

WINA LOW  
UNITED STATES vs STATE OF GEORGIA

February 28, 2023

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, )  
 ) CIVIL ACTION  
Plaintiff, ) NO. 1:16-cv-03088-ELR  
 )  
vs. )  
 )  
STATE OF GEORGIA, )  
 )  
Defendants. )  
 )  
- - - - - )

VIDEOTAPE DEPOSITION OF

WINA LOW

Tuesday, February 28, 2023, 8:58 a.m., EST

HELD AT:

Robbins Firm  
500 14th Street, N.W.  
Atlanta, Georgia 30318

-----  
WANDA L. ROBINSON, CRR, CCR, No. B-1973  
Certified Shorthand Reporter/Notary Public

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APPEARANCES OF COUNSEL

Appearing on Behalf of the Plaintiff:

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1 ALSO PRESENT VIA ZOOM:

2 U.S. Attorney's Office:

3 VICTORIA LILL, ESQUIRE

4 SANDRA LeVERT, ESQUIRE

5 LAURA CASSIDY-TAYLOE, ESQUIRE

6  
7  
8 STACEY SUBER-DRAKE, ESQUIRE  
9 Georgia Department of Education

10  
11  
12  
13  
14  
15  
16  
17  
18  
19 ALSO PRESENT:

20 TODD PARKER, Videographer

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1 THE VIDEOGRAPHER: This is the video  
2 deposition of Wina Low, in the matter of the  
3 United States of America versus State of  
4 Georgia.

5 Today's date is February 28, 2023. The  
6 time on the record is 8:58.

7 My name is Todd Parker. I am the  
8 videographer.

9 The court reporter is Wanda Robinson.

10 Counsel, please introduce yourselves and  
11 state whom you represent, after which the court  
12 reporter will swear the witness.

13 MS. TUCKER: Michelle Tucker for the  
14 United States.

15 MS. GARDNER: Kelly Gardner for the United  
16 States.

17 MR. BEDARD: Ed Bedard, on behalf of the  
18 State of Georgia.

19 - - - - -

20 WINA LOW,  
21 being duly sworn, was examined and testified as  
22 follows:

23 - - - - -  
24  
25

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1 EXAMINATION

2 BY MS. TUCKER:

3 Q Good morning, Ms. Low.

4 A Hi.

5 Q How are you this morning?

6 A Good to see you.

7 Q Good to see you.

8 Thank you for coming in today. Again,

9 this is the deposition of Wina Low in the U.S.

10 District Court for the Northern District Georgia.

11 I know we've met, but for the record, my

12 name is Michelle Tucker and I'm a senior trial

13 attorney in the Educational Opportunity section of

14 the Civil Rights Division of the U.S. Department of

15 Justice, and I represent the United States in this

16 matter, and I'll be taking your deposition today.

17 A Okay.

18 Q Would you please state and spell your full

19 name for the record.

20 A Wina, W-I-N-A, Low, L-O-W.

21 Q Thank you. And I'm sure your attorney has

22 explained much of this to you, but we're basically

23 going to have a conversation today. I'm going to

24 ask you questions, and then your job is to just

25 answer the questions honestly and completely. Okay?

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1 A Yes.

2 Q And you were just sworn to tell the truth  
3 by the court reporter. The oath you took is the  
4 same oath you would take if you were testifying in a  
5 court of law, and it puts you under that same  
6 obligation to tell the truth that you would be under  
7 in court.

8 Do you understand that?

9 A I do.

10 Q My questions and your answers will be  
11 recorded by the court reporter. So please  
12 understand that you will need to speak clearly and  
13 answer all questions orally so that the court  
14 reporter can capture your answers.

15 For example, she's not going to be able to  
16 record a head nod or a head shake.

17 A Right.

18 Q The other thing that you and I will need  
19 to do is avoid talking over one another. I will do  
20 my best not to interrupt you when you're answering a  
21 question, and I just ask that you do your best not  
22 to interrupt me when asking a question, even if you  
23 know, you know the answer already.

24 Okay?

25 A Okay.

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1 Q If at any point you don't understand a  
2 question, feel free to let me know and I will  
3 clarify. Okay?

4 A Okay.

5 Q Note that your attorney may occasionally  
6 object to my questions. This is to put their  
7 objections on the record. It does not mean that you  
8 should not answer unless he explicitly tells you not  
9 to.

10 Does that make sense?

11 A Yes.

12 Q Okay. If you want to take a break for any  
13 reason, that's fine. I just ask that if there's a  
14 question pending or if we're in the middle of  
15 something that we wait a moment. Is that okay?

16 A Sure.

17 Q Sometimes it happens that you'll give an  
18 answer and then five minutes later or an hour later  
19 you'll remember that there's more to say to answer  
20 the question completely. Totally fine. Just let me  
21 know and we can go back to that.

22 A Okay.

23 Q How are you feeling today?

24 A I'm fine.

25 Q Good. Is there any reason that you would

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1 not be able to answer my questions truthfully today?

2 A No.

3 Q For example, are you taking any  
4 medications that would inhibit your ability to  
5 answer these questions?

6 A No.

7 Q Okay. Any questions before we proceed?

8 A I think I understand.

9 Q Great.

10 MS. TUCKER: I'd like the court reporter  
11 to mark this document as Plaintiff's Exhibit  
12 920.

13 (WHEREUPON, Plaintiff's Exhibit-920 was  
14 marked for identification.)

15 BY MS. TUCKER:

16 Q Ms. Low, this is a deposition notice that  
17 we served for your deposition in connection with  
18 this lawsuit, and this is the lawsuit against the  
19 State of Georgia related to the Georgia Network for  
20 Educational and Therapeutic Support Program,  
21 commonly referred to as the GNETS program?

22 A Uh-hum. (Affirmative.)

23 Q Have you seen this deposition notice  
24 before?

25 A I have.

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1 Q When?

2 A The exact date?

3 Q Approximately?

4 A Last week.

5 Q Last week. And who showed you?

6 A Our general counsel, Stacey Suber-Drake.

7 Q Did she know you in person or did she  
8 share the email?

9 A I think it was actually over a virtual  
10 meeting where the screen was shared.

11 Q Thank you.

12 What is your understanding of what this  
13 lawsuit is about?

14 A I'm trying to think how to put this into  
15 words.

16 The lawsuit is about making sure that all  
17 children are protected under the IDEA law, is the,  
18 the overarching basis for it.

19 Q And what is your basis for that  
20 understanding?

21 MR. BEDARD: Object to form. I object to  
22 form.

23 I'll object to the extent that you learned  
24 anything from conversations with counsel, not  
25 to divulge those conversations, but if you

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1 understand something about the lawsuit from  
2 something outside of conversations with  
3 counsel, you can go ahead and answer.

4 A To ensure that all children have, again,  
5 the protection of the IDEA law. That's the most  
6 comprehensive way that I can say it, to ensure that  
7 they have equal access to the general curriculum.  
8 You know, when and all possible that they're with  
9 nondisabled peers. That they have teachers that are  
10 well qualified as any teacher would be anywhere.

11 I mean do you want me to keep going?

12 Q That's helpful. Thank you, Ms. Low.

13 Have you read any court filings in  
14 connection with this lawsuit?

15 A Court filings?

16 Q Yes, ma'am. Any documents that have been  
17 filed in court.

18 A No.

19 Q Do you recall reading a document called  
20 "Complaint" that identified different allegations in  
21 the lawsuit?

22 MR. BEDARD: Object to form.

23 A I don't think I've seen the actual legal  
24 document, no.

25 Q Did you receive a notice in connection

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1 with this lawsuit advising you not to destroy any  
2 documents or delete any documents?

3 A I have been verbally told that.

4 Q And when was that?

5 A I would say that's when I transitioned to  
6 the director role.

7 Q And by director role, what do you mean?

8 A The State Director of Special Education.  
9 I was interim first, and then director.

10 Q And when did you take on the State  
11 Director role?

12 A Interim was in September 2021.

13 Q Okay. And what about the State Director  
14 role?

15 A I'm sorry. That's what I just answered.

16 Q You answered about interim state director?

17 A Oh, interim. Okay.

18 Then the State Director role, a year ago,  
19 March.

20 Q March. So March '22. Thank you.

21 Have you been asked to collect documents  
22 as part of the State's efforts to respond to the  
23 Department of Justice's requests in this lawsuit?

24 A To collect?

25 Q Yeah. Have you been directed to collect,

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1 look through your emails or different documents as  
2 part of the State's efforts to respond to requests  
3 in this lawsuit?

4 A I have been asked to look through email  
5 and other documents in response to requests from the  
6 Department of Justice, but not necessarily -- I  
7 thought you were asking it more for the department  
8 side.

9 In response to some requests that have  
10 come in from the Department of Justice or the  
11 advocacy office.

12 Q Yes, ma'am. So just to clarify, you have  
13 reviewed emails in response to Department of Justice  
14 requests in this lawsuit?

15 A Yes.

16 Q And I'm correct that you're being  
17 represented by Mr. Bedard for purposes of the  
18 deposition today?

19 A Yes.

20 Q Did you talk to anyone to prepare today  
21 for this deposition?

22 A Well, I talked with the lawyer  
23 representing today. I have spoken with Stacey  
24 Suber-Drake about this, and I've talked with my  
25 senior program manager, as well as my immediate

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1 supervisor, the deputy superintendent.

2 Q Let's start with counsel. Did you -- who  
3 else was present when you met with counsel, with Mr.  
4 Bedard?

5 MR. BEDARD: You can -- I'll say you can  
6 just -- don't say anything about the substance  
7 of the conversation we had, and she's not  
8 asking about the substance, but you can answer  
9 if anybody else was on the call, when it was,  
10 that sort of thing. Nothing about substance.

11 THE WITNESS: This was just last week but  
12 I'm not remembering anybody being on the call  
13 other than us. Was someone else on the call?

14 MR. BEDARD: I can't answer.

15 Q You don't recall?

16 A I don't recall.

17 Q The call was last week, you said?

18 A Yes. It was a Teams meeting or Zoom or  
19 whatever.

20 Q And how long did you all meet?

21 A Less than an hour.

22 Q Okay. You also mentioned that you met  
23 with Stacey Suber-Drake?

24 A Yes.

25 Q When was that meeting?

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1           A       Well, I meet with Stacey for various  
2 reasons, but I believe it was last week that we  
3 spoke briefly. Stacey just briefly explained, you  
4 know, what it --

5                   MR. BEDARD: Again, I'll say don't talk  
6 about substance, what you talked to Stacey  
7 about.

8           A       I'm not. It's not as extensive as what --

9           Q       I understand. Thank you.

10                   Was anyone else present for your meeting  
11 with Stacey?

12           A       I think Shaun was there but, honestly,  
13 that's all I can recall. We have so many different  
14 meetings. Not necessarily about this.

15           Q       Then when you say Shaun, who are you  
16 referring to?

17           A       That's the deputy superintendent, Shaun  
18 Owen.

19           Q       And you said you also advised her about --  
20 you talked to her in advance of today about the  
21 deposition?

22           A       Yes.

23           Q       And what did you talk to Ms. Owen about?

24           A       She just briefly explained sort of what  
25 the day was like. Nothing of substance, just what

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1 to expect.

2 Q And what did she say the day was like?

3 A That it's long and that there are lots of  
4 questions. You know, basically just to hang in  
5 there. Just encouragement.

6 Q And this was last week as well?

7 A Yes, must have been.

8 Q You mentioned you also spoke with your  
9 senior program manager. Who was that?

10 A My senior program manager, Amber McCollum,  
11 called me following her deposition just to explain  
12 the experience.

13 Q And what did she say?

14 A It was late in the afternoon. You know,  
15 I've been there all day. That type of thing.

16 Nothing, again, of any real substance.  
17 Just explaining her experience. And I directly  
18 supervise Amber.

19 Q Did you speak to any other of your GaDOE  
20 colleagues?

21 A Vickie Cleveland called me after her  
22 deposition as well on the way home, again it was  
23 maybe 7 o'clock at night, and she was just  
24 explaining what a long day it had been. But that's  
25 about all I recall from it.

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1 Q Did any of your GaDOE colleagues tell you  
2 what types of questions they were asked?

3 A I don't remember any specific about  
4 something that was substantive. I recall Shaun  
5 saying that they asked her about her background,  
6 that type thing.

7 Q Did they advise you of any specific  
8 documents to look at in preparation?

9 A No, they did not.

10 Q Did you speak to Matt Jones in advance of  
11 your deposition today?

12 A No.

13 Q Apart from any documents shown to you by  
14 counsel, did you look at any documents to prepare  
15 for today's deposition?

16 A I did not.

17 Q Did you bring any documents with you  
18 today?

19 A I did not.

20 Q Did you ask anyone about documents that  
21 could be relevant for today?

22 A No.

23 Q Did you do anything else to prepare for  
24 today?

25 A No.

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1 Q Have you been deposed before, Ms. Low?

2 A Once.

3 Q When was that?

4 A Last year.

5 Q In 2022?

6 A Yes, it was in 2022. I can't recall the  
7 exact date.

8 Q And what was that underlying lawsuit  
9 about?

10 A I'm not even -- I guess it was a lawsuit.  
11 I'm not even sure of that. I was just contacted a  
12 few days before. They wanted to talk to me and it  
13 had something to do with -- I'm not even sure which  
14 charter school. Charter school and funding, and the  
15 responsibility of the LEA. If the State sent  
16 funding directly, that kind of thing.

17 Q So this was in your professional capacity?

18 A Yes.

19 Q Have you ever been a plaintiff in a  
20 lawsuit?

21 A No.

22 Q Have you ever been a defendant in a  
23 lawsuit?

24 A No.

25 Q So there are a few acronyms and

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1 definitions I'd like to go over to confirm that we  
2 have the same understanding today. okay?

3 A Okay.

4 Q When I refer to "GaDOE" or "DOE," you  
5 understand I mean the Georgia Department of  
6 Education, correct?

7 A I do.

8 Q When I refer to "GNETS" or "GNETS  
9 program," you understand that I'm referring to the  
10 Georgia Network for Educational and Therapeutic  
11 Support program, correct?

12 A Yes.

13 Q When I refer to the -- a "regional GNETS  
14 program," I'm referring -- you understand that I'm  
15 referring to one of the 24 regional GNETS programs  
16 across the State of Georgia?

17 A Yes.

18 Q When I refer to "GNETS centers," or  
19 "centers," you understand that I'm referring to  
20 standalone GNETS locations?

21 A Yes.

22 Q When I refer to a "GNETS school-based  
23 location," you understand that I'm referring to  
24 GNETS locations that are based in a general  
25 education setting?

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1 A Yes.

2 Q When I refer to "general education  
3 settings," you understand that I'm referring to a  
4 public school in Georgia where students with  
5 emotional and behavior disorders and other  
6 behavioral health conditions receive instruction and  
7 services alongside students who do not have  
8 disabilities?

9 A Yes.

10 Q When I refer to the "State," you  
11 understand that I'm referring to the State of  
12 Georgia?

13 A Yes.

14 Q When I refer to "EBD," you understand that  
15 I'm referring to emotional and behavior disorders?

16 A Yes.

17 Q When I refer to "LEA," you understand that  
18 I'm referring to a Local Education Agency, or school  
19 district?

20 A Yes.

21 Q When I refer to "SEA," you understand that  
22 I'm referring to State Education Agency?

23 A Yes.

24 Q When I refer to a "RESA," you understand  
25 that I'm referring to the Regional Education Service

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1 Agency?

2 A Yes.

3 Q When I refer to an "IEP," you understand  
4 that I'm referring to an Individual Education  
5 Program?

6 A Yes.

7 Q When I refer to a "BIP," you understand  
8 that I'm referring to a Behavior Intervention Plan?

9 A Yes.

10 Q When I refer to an "FBA," you understand  
11 that I'm referring to a Functional Behavior  
12 Assessment?

13 A Yes.

14 Q When I refer to "DBHDD," you understand  
15 that I'm referring to the Georgia Department of  
16 Behavioral Health and Developmental Disabilities?

17 A Yes.

18 Q When I refer to "DCH," you understand that  
19 I'm referring to the Georgia Department of Community  
20 Health?

21 A Yes.

22 Q When I refer to "state director," you  
23 understand that I'm referring to state director for  
24 Special Education Services and Supports at the  
25 Georgia Department of Education?

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1 A Yes.

2 Q When I refer to "interim state director,"  
3 you understand that I'm referring to the interim  
4 state director for Special Education Services and  
5 Supports at the Georgia Department of Education?

6 A Yes.

7 Q Thank you. Just want to make sure we have  
8 the same understanding as we move forward.

9 Ms. Low, where to you currently reside?

10 A The city?

11 Q Uh-hum. (Affirmative.)

12 A My mailing address is Jasper, Georgia.

13 Q Okay. How long have you lived in Jasper?

14 A This time? I grew up in Jasper.

15 Q Okay.

16 A Until I was 29, before we relocated, but  
17 we just moved back to Pickens County. It's a Jasper  
18 address, too. In December 2020, in the middle of  
19 the pandemic.

20 Q Okay. How far is that from Atlanta?

21 A It's about 50 miles.

22 Q So how long did it take you to get here  
23 today?

24 A Two hours.

25 Q Two hours, okay.

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1 A Traffic.

2 Q I understand.

3 The GaDOE's office is located in Atlanta,  
4 right?

5 A Yes.

6 Q How often are you coming into the office?

7 A We have the option to work from home since  
8 the -- when the pandemic caused the shutdown, but we  
9 had that option several months later.

10 So I come to the office of course when I  
11 need to. I often come on a Board work session today  
12 or maybe a Board meeting day.

13 I would say on average maybe twice a month  
14 at the most, and sometimes it's more.

15 Q And when you refer to a Board work session  
16 day, are you referring to the State Board of  
17 Education?

18 A I am.

19 Q Are a lot of your colleagues remote at  
20 this point?

21 A Yes.

22 Q Ms. Low, what is your highest level of  
23 education?

24 A I hold a specialist degree, a six-year.

25 Q And where is that degree from?

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1 A University of West Georgia.

2 Q And what is it in?

3 A Special education administration.

4 Q And when did you receive that degree?

5 A Maybe 2002 or 2001. I don't honestly  
6 remember now.

7 Q Okay. And where did you attend college?

8 A For my undergraduate?

9 Q Yes, ma'am.

10 A Brenau University. It was Brenau College  
11 at the time.

12 Q And when did you graduate from Brenau?

13 A 1983.

14 Q And what was your degree in?

15 A Education. Middle grades education.

16 Q Middle grades education.

17 Did you take any coursework in special  
18 education when you were at Brenau?

19 A A diagnosis in corrections of breathing  
20 difficulties.

21 Q Any other coursework in special education?

22 A I don't believe in my undergraduate. An  
23 exceptional children's course that everybody has to  
24 take.

25 Q Thank you. A moment ago you said your

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1 current job title is State Director of Special  
2 Education Services and Supports, correct?

3 A Yes.

4 Q And who is your employer?

5 A Georgia Department of Education.

6 Q And you assumed this in March 2022?

7 A The --

8 Q State Director?

9 A Yes, the -- without the interim.

10 Q And you said that you were interim  
11 starting in September 2021, correct?

12 A Yes.

13 Q So about six months as interim?

14 A Uh-hum. (Affirmative.)

15 Q And who do you report to?

16 A Well, directly now I report to John White,  
17 and Shaun Owen is our deputy.

18 Q John White?

19 A Is our associate superintendent.

20 Q How long has John White been the associate  
21 superintendent?

22 A Since October of '22.

23 Q And do you also report to Shaun Owen or --

24 A As it's explained to me, when the  
25 associate superintendent position was added, I

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1 really report directly to him, and Shaun said you're  
2 also reporting to me. That's -- I don't -- I don't  
3 know how to express it any further.

4 Q Okay. Who evaluates you?

5 A Well, I'm not sure since -- I would assume  
6 it would be John.

7 Q When would you typically be evaluated?

8 A It would probably be later in the spring,  
9 but John just accepted that role in October of '22.

10 Q Prior to October of the '22, were you  
11 reporting directly to Shaun Owen?

12 A Yes.

13 Q And Shaun Owen evaluated you in the past?

14 A She has not formally evaluated me since  
15 I've been in this role. She gives me feedback  
16 consistently.

17 Q When is the last time you had a formal  
18 evaluation at GaDOE?

19 A It was as our former state director was  
20 leaving. So that would have been September 2021.  
21 Or maybe it was August. It was somewhere in that  
22 time frame.

23 Q So before you were interim state director?

24 A Yes.

25 Q And who was your former state director

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1 that you're referring to?

2 A Dr. Zelphine Smith-Dixon.

3 Q And am I correct that Shaun Owen is deputy  
4 superintendent for Federal Programs?

5 A Yes.

6 Q And what is meant by Federal Programs?

7 MR. BEDARD: Object to form.

8 I said object to form. You can answer.

9 A Okay. Well, it's the way we refer to it  
10 in the Georgia Department of Education. I'm not  
11 sure it's referred to in the same manner in other  
12 departments of education, but it may be. But it's  
13 all the Federal Programs that are funded federally.  
14 IDEA is one side of the house, as we say, and the  
15 other side is the title programs, like Title I,  
16 Title II, Title III, Title IIA, Title IV. And on  
17 down the line.

18 So together we make up Federal Programs.

19 Q Thank you. And so Special Education  
20 Services and Supports falls under this heading?

21 A Yes.

22 Q How many direct reports do you have as  
23 state director?

24 A I would have to -- I have 10 program  
25 managers, but I don't directly supervise all of

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1     them.   Some have a senior program manager in  
2     between.

3             Do you want me to actually count up?

4             Q     I think I'm going to show you something in  
5     a moment and we can go through it that way.

6             But you have 10 program offices that are  
7     under you?

8             A     I have 10 program managers and/or senior  
9     program managers.   Two senior program managers.   So  
10    eight program managers.

11            Of course, I have an administrative  
12    assistant.

13            Q     So two senior program managers, eight  
14    program managers, and one administrative assistant?

15            A     Uh-hum.   (Affirmative.)

16            Q     I'm going to show you what was previously  
17    marked as Plaintiff's Exhibit 697.

18                   (WHEREUPON, Plaintiff's Exhibit-697 was  
19    marked for identification.)

20    BY MS. TUCKER:

21            Q     Ms. Low, this is an email dated October 9,  
22    2020, from Matt Jones to Matt Jones, with the  
23    subject:   "Announcements."

24                   The Bates number on the bottom of the  
25    first page reads GA01852181, and this document was

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1 produced to us by the State and there's one  
2 attachment.

3 Do you recognize this email?

4 A I would have been copied on it.

5 Q Let's turn to the attachment, so the  
6 second page, with Bates No. GA01852182 on the  
7 bottom.

8 Do you recognize this chart?

9 A To be honest with you, I can't really read  
10 the fine print here. I have my contacts in, but it  
11 is very small.

12 Q Okay.

13 A Do you have something to magnify it?

14 Q Maybe we can show it electronically.

15 MS. TUCKER: One second.

16 It's loading for me and then I'll share my  
17 screen with you.

18 (Discussion ensued off the record.)

19 MS. TUCKER: I want her to be able to  
20 control and zoom in if she needs to.

21 So I'm going to share it.

22 Are you able to give her control?

23 THE VIDEOGRAPHER: You want to go off the  
24 record for a second while we set this up?

25 MS. TUCKER: Yes. Thank you.

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1 THE VIDEOGRAPHER: Going off the record at  
2 9:27.

3 (Discussion ensued off the record.)

4 THE VIDEOGRAPHER: We're back on the  
5 record at 9:28.

6 BY MS. TUCKER:

7 Q Ms. Low, you now have on the screen in  
8 front of you the attachment, which is GA01852182.

9 Do you recognize this Georgia Department  
10 of Education organizational chart?

11 A I do.

12 Q At the bottom it reads that it was  
13 effective October 9th, 2020.

14 Do you see that?

15 A Yes.

16 Q And I'm looking at the third row. Do you  
17 see a box on the left that reads "Federal Programs"?

18 A Yes.

19 Q And underneath that, it says "ESSA  
20 Programs" and "Special Education Services and  
21 Supports"?

22 A Uh-hum. (Affirmative.)

23 Q And are the ESSA programs the title  
24 programs you were speaking to earlier?

25 A Yes, they are.

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1 Q And over to the right is the Special  
2 Education Services and Supports. Do you refer to  
3 this as a division or an office?

4 A Division.

5 Q Division. Thank you.

6 And then looking underneath Special  
7 Education Services and Supports, I see eleven  
8 sub-bullets.

9 A Okay.

10 Q I'm going to go over those now.  
11 Do you see the start of the sub-bullets?

12 A You're talking about Budgets and Grants?

13 Q Yes, ma'am.

14 So do you see "Budgets and Grants"?

15 A I did.

16 Q Do you see "Results Driven  
17 Accountability"?

18 A Yes.

19 Q "Discretionary Projects"?

20 A Yes.

21 Q "Post-school Outcomes and Professional  
22 Learning"?

23 A Uh-hum. (Affirmative.)

24 Q "Family Engagement"?

25 A Yes.

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1 Q "Dispute Resolution"?

2 A Uh-hum. (Affirmative.)

3 Q The sixth one is "Data and Georgia Online  
4 IEP" and then "GO-IEP" in parenthesis?

5 A Uh-hum. (Affirmative.)

6 Q The seventh is "Georgia Network for  
7 Educational and Therapeutic Support," in parenthesis  
8 "GNETS"?

9 A Yes.

10 Q The eighth is "Tiered Systems of Supports  
11 for Students," parenthesis, "MTSS"?

12 A Yes.

13 Q The ninth is "Georgia Learning Resources  
14 System," in parenthesis "GLRS"?

15 A Yes.

16 Q The tenth is "State Systemic Improvement  
17 Plan," in parenthesis "SSIP"?

18 A Yes.

19 Q And the eleventh, the "Georgia  
20 Instructional Materials Center," "GIMC," in  
21 parenthesis?

22 A Yes.

23 Q Are these eleven sub-bullets eleven  
24 separate offices within your division?

25 A No. There are major pieces of work. You

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1 know, some are, as we call them, units. The office  
2 of Federal Programs is a division of Special  
3 Education, and then we have units that work, but  
4 there has never been a separate unit for Systemic  
5 Improvement. It's always been part of another one.

6 Q Are these same eleven units in existence  
7 today?

8 A Budget and Grants, RDA, Results Driven  
9 Accountability. We don't have a unit called State  
10 Initiatives and Discretionary Projects. I mean that  
11 reference is really the funding mechanism there. We  
12 certainly have work going on in that area but we  
13 don't have a unit called that.

14 Post-school Outcomes and Professional  
15 Learning, that work continues, it's just under a  
16 different name, Outreach now. Outreach and Family  
17 Engagement.

18 Q Okay. And then going further, are they  
19 all the same?

20 A Dispute Resolution, so Family Engagement  
21 moved with Outreach rather than being with Dispute.

22 We still have Data and GO-IEP.

23 GNETS, we have a program manager.

24 And the MTSS unit is not with us any  
25 longer. It moved to the Office of Whole Child.

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1 Q When did that move?

2 A I'm trying to recall exactly. It already  
3 happened before I became interim director, but  
4 somewhere probably earlier in '21.

5 Q And why did it move?

6 A Multitierd System of Support, of course,  
7 is the full continuum. MTSS, you know, the services  
8 of special education could be identified on that  
9 continuum, but it was very associated being housed  
10 in our division as a part of Special Education. Of  
11 course it should not be. So moving it to the Office  
12 of Whole Child made sense about the perception.

13 Q Can you provide a little bit more context  
14 by "of course it should not be"?

15 You said it should not be under your  
16 division. Can you just provide a bit more context?

17 A If I said that, I didn't mean that  
18 exactly. It could be under Special Education, but  
19 it would be better if it were under a more neutral  
20 stance, so that it wouldn't be thought of as a way  
21 to special ed, I guess is one thing. It's to cover  
22 all tiers of instruction: Tier I, just basic  
23 classroom instruction; Tier II, interventions; or  
24 Tier III, specialized.

25 Q Thank you, Ms. Low. And then moving down,

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1 do you still have the Georgia Learning Resources  
2 System under your division.

3 A We do. It's not a separate unit but it  
4 falls under Instruction and Systemic Improvement  
5 Unit.

6 Q That's the next one. And when did that  
7 change happen?

8 A It was while I was interim director, and I  
9 would say late in 2021, or early '22.

10 Q And why did that change happen?

11 A Why did that change happen? Because I  
12 wanted an emphasis on instruction for students with  
13 disabilities. And although there had been some work  
14 being done, not as explicitly, and I wanted a  
15 message. I wanted that to be conveyed to any  
16 stakeholder, within our division, outside our  
17 division, that instruction is important to us.

18 Q How is this message to your stakeholders?

19 A I speak about it when I have keynote  
20 talks. I talked about it with state advisory panel,  
21 of course talked about it with our internal  
22 stakeholders within our division and the ESSA side  
23 of the house, as well as when we partner with other  
24 divisions, like Teaching and Learning, Office of  
25 Whole Child, School Initiative Effectiveness. We

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1 talk about our emphasis on instruction.

2 That unit often is the one that is  
3 interfacing across divisions, and our directors'  
4 webinars when we talk to directors monthly. It's in  
5 our email blast when I meet with Parent to Parent,  
6 our PTI for Georgia.

7 Anybody that is an audience.

8 Q Understood. And then the last one is the  
9 Georgia Instructional Materials Center. Is that  
10 still a unit?

11 A We actually have contracted the work with  
12 Georgia Tech to provide our Braille in large print.  
13 I still have a specialist that's the liaison with  
14 that. Two now, actually, that work with that. A  
15 new position that's focused on students with visual  
16 impairments and deaf/hard of hearing, and our sister  
17 technology specialist has been the key contact there  
18 as well.

19 It just made sense to look at the ability  
20 to contract rather than trying to make sure that we  
21 were able to deliver the requests on time when there  
22 is a state partner that is providing services like  
23 that for many other states in the nation, too.

24 Q Are there any units that are not  
25 represented in this chart under your division?

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1 A Instruction and Systemic Improvement.

2 Q Any others?

3 A Outreach. Outreach and Family Engagement.

4 I believe that's it.

5 Q So let's go back. You mentioned you had  
6 two senior program managers?

7 A Yes.

8 Q Who are they?

9 A Amber McCollum and Jamila Pollard.

10 Q What's Jamila's last name?

11 A Pollard.

12 Q What does Amber McCollum oversee?

13 A Officially she oversees budget, grants and  
14 data, but both senior program managers assume that  
15 -- you know, that position has also in the past been  
16 called assistant director, but the way that our  
17 state labels it now, it's senior program manager.

18 In other words, they might step up and  
19 lead a meeting. They of course serve as contact for  
20 a lot of other program managers that go to them for  
21 advice or support. They collaborate across the  
22 whole division as necessary.

23 Q Does Jamila Pollard have a focus area as  
24 well?

25 A Jamila is also our legal officer. So she

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1 is a top leader for Dispute Resolution, although  
2 there's a program manager as well. Of course,  
3 Jamila's work cuts across every aspect of Special  
4 Education. So you might find her collaborating with  
5 Results Driven Accountability or collaborating with  
6 Instruction Outreach. You know, even budget, data  
7 reporting, things of that nature, for her  
8 perspective and review.

9 Q And did you add these two senior program  
10 managers when you became interim state director?

11 A Jamila was already a senior program  
12 manager. We promoted Amber rather quickly after I  
13 became interim, within maybe the first month.

14 Q And then who are your eight program  
15 managers?

16 A Okay. Dr. Scott Smith, he works under  
17 Jamila, in Dispute.

18 Vickie Cleveland with our GNETS.

19 Dr. Latonya Barclay Washington leads  
20 Outreach and Family Engagement, transitions also in  
21 that unit.

22 Results Driven Accountability, it's Lynn  
23 Holland and Felicia Peavy. it's such a big unit.

24 So they're both -- they're co-leads.

25 Katherine -- Dr. Katherine Johnson leads

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1 Instruction and Systemic Improvement.

2 Malissa Roberts is our budget manager.

3 Linda Castellanos is our data and GO-IEP  
4 manager.

5 I'm leaving somebody out. The two senior  
6 program managers. That makes the 10.

7 Q And then you mentioned administrative  
8 assistant. What's her name?

9 A Linda Rawlins.

10 Q Thank you. You mentioned that the State  
11 Director prior to you holding the position was  
12 Zelphine Smith-Dixon, correct?

13 A Yes.

14 Q And how long did Dr. Smith-Dixon hold the  
15 position?

16 A I believe five years.

17 Q What led to Dr. Smith-Dixon's departure?

18 A Departure?

19 Q Uh-hum. (Affirmative.)

20 A She had an opportunity to join a Local  
21 Education Agency.

22 Q And what Local Education Agency is that?

23 A Rockdale County schools. She lives in  
24 Rockdale. Her children go to Rockdale.

25 Q Before working as state director and

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1 interim state director, am I correct that you held  
2 the title of program manager senior within the  
3 Special Education Services and Supports Division?

4 A I did.

5 Q And what time period were you in that  
6 position?

7 A 2018 -- honestly, can't tell you. March  
8 or April 2018. Until I was interim.

9 Q So until September of 2021?

10 A Uh-hum. (Affirmative.)

11 Q And did you have a focus area as program  
12 manager senior within the Division?

13 A I did. The area that's about state  
14 initiatives and discretionary projects, I did a lot  
15 with that. So teacher retention work.

16 I am the education lead for the -- we call  
17 it the CEEDAR work, CEEDAR, C-E-E-D-A-R, is the  
18 technical assistant center funded by OSEP out of the  
19 University of Florida --

20 THE COURT REPORTER: Then technical --

21 A -- technical assistant center from the  
22 University of Florida, that worked with states about  
23 recruitment, retention of teachers, collaborate with  
24 programs with professional standards in Georgia.

25 That's a significant amount of work, but

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1 we have an OSEP grant focusing on teacher retention.  
2 So I'm the principal investigator on that, applied  
3 for the grant, managed the grant.

4 I also work with the University of Kansas  
5 with transition. That was through an IES grant, in  
6 collaboration with Dr. Michael Wayne Meyer from the  
7 University of Kansas.

8 So it had a lot of active participation in  
9 working with all of our LEAs across the State.

10 Transition, Post-Secondary Outcomes were  
11 an area of focus.

12 I supervised assistive technology.

13 I worked on accessible materials, led  
14 professional learning.

15 Keeping up with all of that, I had -- I  
16 was the co-lead on our new Directors Academy that we  
17 call SELDA, Special Education Leadership Development  
18 Academy. S-E-L-D-A.

19 Of course, they met monthly.

20 I'm sure I'm leaving out some of my other  
21 major areas of focus, but...

22 Q So there was a lot under your work?

23 A I did -- I did hire the initial staff for  
24 Multi-Tiered System Of Support, when we got that  
25 grant through the -- State Personnel Development

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1 Grant. So that would have been -- that was one of  
2 my first acts as senior program manager, was getting  
3 that grant staffed and off the ground.

4 Q Do any of these responsibilities still  
5 fall directly with you as state director?

6 A A few.

7 Q Which ones?

8 A I'm still the principal investigator on  
9 the teacher retention grant. Slowly moving that  
10 forward over to our instructional program manager.

11 I'm still listed as a co-investigator on  
12 the work with the University of Kansas.

13 I'm still the education lead with the  
14 CEEDAR group.

15 Again, these are all important areas that  
16 we have commitments on, and it just made sense to do  
17 that. I'm having a lot of support with the program  
18 manager for instruction.

19 Q When you were a program manager senior,  
20 was there another person in that position as well?

21 A Yes.

22 Q And who was that?

23 A Kachelle White. And Jamila.

24 Q So there were three?

25 A Uh-hum. (Affirmative.)

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1 Q You did not mention Kachelle White  
2 earlier. So Kachelle White is no longer in that  
3 position?

4 A Right. She left the agency in February --  
5 the end of February 2022, to go to Rockdale County  
6 as a coordinator.

7 Q With Dr. Smith-Dixon?

8 A Well, she was hired in a related field,  
9 yes.

10 Q As program manager senior, who did you  
11 report to?

12 A The state director.

13 Q So Dr. Smith-Dixon?

14 A Yes.

15 Q And earlier you said the last time you  
16 were formally evaluated was when you were in this  
17 position, correct?

18 A Yes.

19 Q And how frequently were you evaluated in  
20 this position?

21 A Typically annually.

22 Q When you were program manager senior, did  
23 you have any direct reports?

24 A I did.

25 Q How many?

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1           A     I really just had three direct reports, in  
2     the later time. Prior to that I had the whole MDSS  
3     team also. Of course they had a program manager.  
4     So their program manager reported directly to me.

5           Q     Who are the three direct reports you're  
6     referring to?

7           A     Paula Gumpman, our AT specialist; Elise  
8     James, our transition post-secondary specialist; and  
9     Kris -- or Kristen Rhee. She was our PL specialist.  
10    She developed some of our modules.

11          Q     Did you evaluate these three individuals?

12          A     Yes, I did.

13          Q     Did you also evaluate the MTSS team that  
14    fell under you?

15          A     It would have been Karen, but actually she  
16    moved under Dr. Smith-Dixon before it was time to  
17    evaluate her formally.

18          Q     Then before working as program manager  
19    senior, am I correct that you held the role of  
20    education program specialist within the Special  
21    Education Services and Supports Division?

22          A     I did hold that role, but I was -- before  
23    I was program manager senior, I was a program  
24    manager.

25          Q     And how long was that?

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1 A How long was I a program manager?

2 Q Uh-hum. (Affirmative.)

3 A I think it was really only a year.

4 Q So 2017 to '18?

5 A I believe that's right.

6 Q What was your focus area then?

7 A Results Driven Accountability.

8 Q And who did you report to?

9 A Kachelle White.

10 Q Did you have direct reports then?

11 A I did.

12 Q How many did you have?

13 A I don't remember the exact number. Eight,  
14 nine. It varied a little bit. It was half of the  
15 Results Driven Accountability unit, the compliance  
16 arm.

17 Q Compliance with what?

18 A IDEA.

19 Q And prior to that, you were an education  
20 program specialist?

21 A I was.

22 Q And what years were you in that position?

23 A I think 2015 until I became program  
24 manager 2017.

25 Q And what was your focus area then?

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1           A     Oh, I was in Results Driven  
2     Accountability. So I was direct liaison, is what we  
3     typically refer to the position.

4           Q     How many districts were you a liaison for?

5           A     I supported South GLRS. It was 12 or 13  
6     LEAs in it. I don't recall the exact number.

7           Q     And just for the record, when you say GLRS  
8     you mean --

9           A     Georgia Learning Resource System. Our  
10    regional arm.

11          Q     And who did you report to as a program  
12    specialist for RDA?

13          A     Lynn Holland.

14          Q     And did you have direct reports at that  
15    time?

16          A     No.

17          Q     Before that, am I correct you were an  
18    evaluation systems specialist? Is that correct?

19          A     That's right.

20          Q     And this was in the division -- which  
21    division?

22          A     I think it was called Teacher Leader  
23    Effectiveness at that time, I think.

24          Q     So that's not in the Special Education and  
25    Supports Division?

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1           A       Well, I was doing the special populations.  
2       This was during the Race to the Top days and this  
3       was the teacher evaluation instrument and student  
4       learning objectives, and as it had rolled out, some  
5       of the special populations work had been delayed for  
6       a few years. So I supported generally but I did the  
7       special populations.

8           Q       And just for the record, you said Race to  
9       the Top Days?

10          A       Yes.

11          Q       Thank you.

12                   And what time period were you the  
13       education -- the evaluation systems specialist?

14          A       From November 2013 until I accepted a  
15       position in Special Education in 2015.

16                   It was in the summertime. I don't  
17       remember exactly which month, but I want to say July  
18       maybe.

19          Q       And who did you report to as the  
20       evaluation systems specialist?

21          A       Michelle Purvis was my program manager.

22          Q       Did Michelle Purvis evaluate you?

23          A       Yes.

24          Q       Annually?

25          A       Yes.

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1 Q And did you have direct reports at that  
2 time?

3 A No.

4 Q Did you hold any other roles at the  
5 Georgia Department of Ed?

6 A No.

7 Q What was your job directly prior to that?

8 A Director of Student Services with  
9 Carrollton City schools.

10 Q And what was your time period for this  
11 position?

12 A 1997 through September 30th, 2013.

13 Q As Director of Student Services, did you  
14 interact with the Burwell GNETS program?

15 A I did.

16 Q In what ways?

17 A Well, I was a special ed director for the  
18 district as a part of my student services  
19 responsibility. So any of our students that were  
20 being considered as needing referral, of course I  
21 attended IEP meetings, met with the Burwell  
22 personnel and our collaborating LEAs in our area,  
23 which is Carroll County and Heard County, to ensure  
24 we had a cooperative agreement in place to provide  
25 the services and supports above and beyond any

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1 funding that may have come from the state funds.

2 Q Who was the regional director of the  
3 Burwell GNETS program at that time?

4 A David Cruddock was the first director,  
5 Linda Phillips was the next, and Steve Raines was  
6 the last Burwell director, and he was still there  
7 when I retired.

8 Q Is he still there now?

9 A I don't think so. I think he retired.

10 Q Approximately how much of your week was  
11 spent interacting with the Burwell regional GNETS  
12 program?

13 A That would just vary on what might be  
14 happening, but not -- not a major portion of an  
15 entire week. I tried to attend all IEP meetings  
16 with our students. Of course, we had personnel  
17 there for them.

18 It just depended again on what might be  
19 happening.

20 Q How many sites did the Burwell regional  
21 GNETS program have when you were there?

22 A Carroll County, Carrollton City, and Heard  
23 were together, and there were two facilities. That  
24 was in this northern cluster.

25 I think Coweta had two with just Coweta

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1 kids, and then Meriwether and Troup County were  
2 together, and I know that they had an integrated  
3 high school wing that was built specifically as  
4 Callaway High was built, which we were all really  
5 excited about.

6 I don't honestly know where their younger  
7 age program was, but I assume it was somewhere on a  
8 campus there.

9 Q So you mentioned integrated high school  
10 wing, but you mentioned four other facilities in  
11 Burwell. Were those centers? Separate GNETS  
12 locations?

13 A I probably really can only speak to mine  
14 because, again, geographically, we were almost down  
15 to Columbus and, you know, all the way up to I-20.  
16 But Carrollton City, Carroll County, and Heard  
17 County were that northern cluster. And we had a  
18 center-based program and a high school program  
19 integrated into Central High, Carroll County  
20 schools.

21 Q Thank you. Prior to being Director of  
22 Student Services, you were also a teacher in Carroll  
23 County?

24 A No.

25 Q No? Okay.

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1           A       I was a diagnostician in Carroll County.  
2                   My title was diagnostic lead teacher, but  
3       I worked --

4                   THE COURT REPORTER: I'm sorry. Your  
5       title was what?

6           A       Diagnostic lead teacher. There were three  
7       of us to serve the whole county and we worked with  
8       the psychologists. So we worked out of the  
9       psychological services for Carroll County schools.

10                  I evaluated students, the academics, the  
11       behavior rating scales or adaptive scales, things  
12       like that. I was the first person to see the child.  
13       If I needed to do an observation, I did that.  
14       The -- turn over to my partner, school psychologist,  
15       and then typically the diagnosticians got back the  
16       eligibility.

17                  This is a long time ago when it was a  
18       centralized eligibility process, before the law even  
19       had parents involved in that. So we wrote the  
20       eligibilities and sent it back out to the school,  
21       and they of course had the IEP meetings, the  
22       eligibility meetings, whatever they needed.

23           Q       Did you evaluate students who were being  
24       referred to GNETS at that time?

25           A       It wasn't called GNETS, but we evaluated

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1 any student that was referred in Carroll County  
2 schools.

3 Q What was it called?

4 A Psycho Ed program.

5 Q And what year was this or what years?

6 A I went to work for Carroll County schools  
7 early in 1990. I moved to -- from Jasper to  
8 Carrollton in January, February 1990, and until I  
9 was hired as student services director in Carrollton  
10 City. So there was a county and state system.

11 So that would have been summer of '97.  
12 Roughly eight years as a diagnostician.

13 Q Got it. Did you also visit the Burwell  
14 regional GNETS program while you were a  
15 diagnostician?

16 A Only on rare occasions.

17 Q And what would those rare -- what would  
18 lead to that type of occasion?

19 A I might be invited to attend an IEP  
20 meeting. That would have been unusual but I might  
21 have gone on that occasion, either in place of the  
22 assistant director or director of special education  
23 for the county. We reported directly to the  
24 director and assistant director.

25 Q I believe a moment ago you said you had

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1 moved there from Jasper; is that correct?

2 A Uh-hum. (Affirmative.)

3 Q And were you employed in Jasper?

4 A Pickens County schools.

5 Q And what was your position?

6 A I was a teacher. Middle grades teacher.

7 Q And how long were you a middle grades  
8 teacher?

9 A Six years.

10 Q Did you have any interaction with the  
11 Northstar Regional GNETS program while you were a  
12 teacher?

13 A I don't think it was called Northstar. I  
14 don't recall anything about a Psycho Ed program.  
15 You know, I had some students in my classroom that  
16 were serving in special education, but not aware of  
17 any children that were served anywhere other than on  
18 our own campus.

19 Q And you had students in your classroom  
20 that were receiving special education services?

21 A I did.

22 Q And were you a general education middle  
23 school teacher?

24 A I was. Uh-hum. (Affirmative.)

25 Q Any jobs prior to that?

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1 A Worked in a pharmacy as a pharmacy tech.

2 Q Any jobs in education prior to that?

3 A No.

4 Q And was pharmacy tech before or after  
5 college?

6 A After high school and during part of  
7 college.

8 Q Thank you for going through your job  
9 history.

10 Did we miss anything?

11 A I don't think so.

12 Q I'd like to turn back to your position --  
13 some of your positions within the Georgia Department  
14 of Education.

15 So let's start with the evaluation system  
16 specialist, which you said you held from November  
17 2013 through the summer of 2015. Is that correct?

18 A That's right.

19 Q Did you work with the GNETS program  
20 manager for GaDOE while you were evaluation system  
21 specialist?

22 A As a matter of fact, I did but there  
23 wasn't a manager position. There was a contact  
24 person, Sandy DeMuth. And I would say collaborate  
25 is maybe the word.

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1 Q You said collaborate?

2 A Well, we were two different areas, in two  
3 different offices, divisions, and I supported the  
4 GNETS programs in the roll-out of the student  
5 learning objectives.

6 So Sandy was my contact to attend their  
7 monthly meetings or retreat or whatever I needed to  
8 do with the collective group.

9 Q And you attended monthly meetings?

10 A I didn't attend every month. It was just  
11 when -- if I might be on an agenda or asked to come.  
12 I went to one of their retreats.

13 Q You went to one retreat with the GNETS  
14 directors?

15 A Because we were -- the program, uh-hum.

16 Q Because you were presenting on --

17 A Yes.

18 Q -- the program?

19 A I was presenting on the student learning  
20 objectives and someone else was presenting on the  
21 evaluation piece, the observation for leaders and  
22 teachers.

23 Q And when was this retreat?

24 A It was in the summertime. So I would say  
25 that it was the summer of 2014, but I'm not

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1 absolutely positive. It would have been summer of  
2 2014 or '15.

3 Q Okay. Did you work with anyone else at  
4 GaDOE on matters related to the GNETS program when  
5 you were an evaluation system specialist?

6 A I didn't interact a lot with the Special  
7 Ed Division other than with Sandy. Some with Lynn  
8 Holland, and that would have involved assessment and  
9 -- I'm trying to remember the name.

10 Q What type of assessment?

11 A Like assessing students. You know,  
12 testing, evaluating work, and that type of thing.  
13 Because student learning objectives went along with  
14 that and assessment development. So we would teach  
15 the teachers, leaders to develop quality assessments  
16 to measure how the students were doing, you know,  
17 based off the standards and the depth of knowledge  
18 of the questions, and things like that.

19 Q You just said based off the standards.  
20 What standards?

21 A The Georgia standards, but I don't  
22 remember what we exactly called them then. They  
23 weren't the Georgia standards of excellence. I  
24 don't think then. I'm not sure of what the name was  
25 at the time. But the Georgia standards.

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1 Q And you said you worked with the regional  
2 GNETS programs as their student learning objective  
3 contact?

4 A Yes. So I helped them with building  
5 assessments and what the concept was completely.  
6 Again, as I mentioned about depth of knowledge and  
7 the true/false questions or multiple choice or week  
8 test items. You know, that type of instruction.

9 Q Were -- was it just the regional GNETS  
10 program under your purview.

11 A No, no.

12 Q What --

13 A I -- I had 64 LEAs and the GNETS. So I  
14 guess we could take away the 24 GNETS.

15 Q So just to make sure I understand, so you  
16 had 40 LEAs and 24 GNETS?

17 A Uh-hum. (Affirmative.)

18 Q So the GNETS were separate from their  
19 LEAs?

20 A Not necessarily. They may have attended  
21 collective sessions because we would host two,  
22 three, four days at a time of assessment building,  
23 and if it was hosted in Carroll County, or  
24 Carrollton City, the GNETS would come and  
25 participate along with everybody else.

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1 Q But you counted them separately in your  
2 count, the 64?

3 A I said I had 64, just because I know we  
4 have 24 GNETS. That would be 40 others.

5 Q Okay.

6 MS. TUCKER: I'd like the court reporter  
7 to mark the following document as Plaintiff's  
8 Exhibit 921.

9 (WHEREUPON, Plaintiff's Exhibit-921 was  
10 marked for identification.)

11 BY MS. TUCKER:

12 Q Ms. Low, this is an email thread produced  
13 by the State. The most recent email is dated July  
14 10, 2015, and it is from you to Desiree Woods.

15 The subject reads: "Spreadsheet-Needs  
16 corrections."

17 And the Bates number on the bottom of the  
18 first page reads GA03549245.

19 Ms. Low, do you recognize this email  
20 thread?

21 A I don't recall specifically. It looks  
22 like something that I would have written at that  
23 time based on the work that I was doing.

24 Q Do you have any reason to doubt its  
25 accuracy?

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1 A No.

2 Q And am I correct that at the time of this  
3 email, Desiree Woods was the director of the  
4 DeKalb-Rockdale GNETS program?

5 A Yes.

6 Q Does she still hold that position?

7 A She retired.

8 Q She retired. When was that?

9 A Recently. They just replaced her. There  
10 was an interim, and they just have a permanent  
11 replacement now. So I'm guessing Desiree retired  
12 some time over the summer.

13 Q Do you see -- let's look at your top  
14 email. You wrote, quote: "Your spreadsheet still  
15 has concerns. Please review the individual  
16 calculated expected and high targets. Many are the  
17 same despite the differences and the pre-assessment  
18 scores. If you don't provide the correct  
19 calculation, it will highly impact growth  
20 calculations."

21 Do you see that?

22 A Yes. Uh-hum. (Affirmative.)

23 Q What type of spreadsheet was Desiree Woods  
24 sending you?

25 MR. BEDARD: Object to form.

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1                   You can answer.

2           A       So, again, this was all about building  
3       student learning objectives, and, you know, that was  
4       an opportunity for the schools or the district to  
5       determine, based on the standards, they got to  
6       choose what student learning objectives they felt  
7       were -- we used to say sometimes the power  
8       standards -- the most important standards to  
9       measure.

10                   And the spreadsheet -- so if we're looking  
11       at pre-assessment scores, your hope would be your  
12       pre-assessment scores are lower, that the kids don't  
13       know the content, and that the post would be higher  
14       and you would show growth.

15                   But I don't remember the exact, but, in  
16       other words, I was probably telling her that she was  
17       setting targets that were -- she wasn't going to  
18       show growth with, that she was not being ambitious  
19       enough to raise the target or something like that.

20                   We did everything with spreadsheets back  
21       then instead of like a -- an application that they  
22       interface with now if they were doing it.

23           Q       So I'm looking at the second sentence:  
24       "Many are the same despite the differences in the  
25       pre-assessment scores."

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1                   You see that?

2           A       Uh-hum. (Affirmative.)

3           Q       So based on what you were explaining, it  
4 seems as there was no growth for this regional GNETS  
5 program?

6           A       This is when they're setting targets. So  
7 they were not -- they were not setting the targets  
8 so they could allow any growth.

9           Q       Got it. Can you give me an example of a  
10 type of target?

11                   I know you don't remember this one  
12 particularly but --

13          A       I don't.

14          Q       But an example of what a program --

15          A       It would have been multiple -- oh, you  
16 could take any standard. I don't know. Multiply  
17 with two digit numbers, that type thing, and that  
18 would be -- we might say that is a key standard for  
19 second graders, and everybody in second grade in  
20 that school district would be measured by that same  
21 standard. It wasn't classroom by classroom so that  
22 you could compare growth.

23          Q       And in this instance the regional GNETS  
24 program can select their standard to be measured?

25          A       They typically went with one of the LEAs.

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1 In the cluster that I was director in, Carroll  
2 County was the largest system by far, three times  
3 the size of Carrollton City, and three or four times  
4 the size of Heard County. So the textbooks were  
5 adopted that were Carroll County books, and things  
6 like that. So with assessment, all their  
7 assessments mirrored whatever Carroll County schools  
8 did just because it was the larger, and that was in  
9 the memorandum of understanding or agreement that we  
10 all had.

11 We called it really informally the  
12 collaborative agreement, and it would say that they  
13 would mirror whatever Carroll County did because  
14 they were just the dominant group.

15 Q And that was your recollection from when  
16 you were head of Carroll County?

17 A Oh, yeah. I can remember being at Central  
18 High doing some of this development, and GNETS was  
19 there.

20 Q Got it. And then -- but this is -- but  
21 this example is DeKalb-Rockdale sending something  
22 separately from DeKalb and Rockdale Counties?

23 A I don't think so. I think it was  
24 something that she was working on, but it would have  
25 been in conjunction with DeKalb and Rockdale.

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1 Q And you received other spreadsheets like  
2 this from regional GNETS programs?

3 A I did and from every LEA that I supported.

4 Q And every LEA, okay.

5 And then what steps were taken if there  
6 was no growth reported?

7 A You mean at this level or like when  
8 everything came out in the summative results?

9 Q When everything came out in the summative  
10 results.

11 A Student growth was rolled out during the  
12 -- again, under the grant of Race to the Top, and it  
13 was eventually generalized to everybody across the  
14 State.

15 The growth measures of course were  
16 reported in conjunction with assessment division,  
17 but the growth measures were supposed to be  
18 calculated into the evaluation for the teacher and  
19 the leader. So it had an impact.

20 Of course, growth measures were used on an  
21 individual basis with students, too.

22 Q But would there be any steps if there was  
23 minimal or no growth that you would take in GaDOE?

24 A I wouldn't have had direct -- GaDOE, no.  
25 But -- again, it was in the TKES and LKES, teacher

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1 keys, effectiveness system, and leader keys  
2 effectiveness system, which this all fell under. It  
3 would impact the evaluation, the employee's  
4 evaluation, the teacher's evaluation, and the  
5 leaders. The same thing fed into the leaders.

6 So I was not involved with talking with  
7 anybody about how it might have impacted or taken a  
8 step like that because that wasn't my role to do,  
9 but, you know, certainly I'm sure that their  
10 supervisors probably spoke with them.

11 Q So what was your role once you received  
12 the summative results?

13 A It came out of another part of the work.

14 Q Okay.

15 A Not mine.

16 Q Okay. So you helped them set the student  
17 learning objectives and --

18 A And I, again, helped them develop the  
19 actual assessment. Whether it was about -- oh, I  
20 don't know what the name of the class is now, to  
21 tell you the truth. But like I was helping one  
22 teacher develop about the marking of pig's ears, you  
23 know, like in an agriculture course. So we  
24 literally used whatever content standards the course  
25 taught and tried to help them come up with quality

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1 assessments to measure this.

2 Q How many assessments did you help develop  
3 for a regional GNETS program, as an example?

4 A My recollection is GNETS were all  
5 integrated with their -- when their LEAs came  
6 together.

7 Q Then how many assessments would you  
8 create?

9 A Hundreds.

10 Q Okay.

11 A Because you'd have teams -- might have 150  
12 teachers working on every course that they had. You  
13 know, elementary, middle, and of course all those  
14 high school courses that went out into the  
15 vocational areas, too.

16 Q Thank you.

17 MR. BEDARD: If you're done with that,  
18 it's been an hour and 20. You want to take a  
19 break, or if you have a section to finish up?

20 MS. TUCKER: Just a couple more pages.  
21 Like maybe five or 10 minutes, if that's okay.

22 MR. BEDARD: Great.

23 MS. TUCKER: Thank you.

24 I'm going to ask the court reporter to  
25 mark the following document as Plaintiff's

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1 Exhibit 922.

2 (WHEREUPON, Plaintiff's Exhibit-922 was  
3 marked for identification.)

4 BY MS. TUCKER:

5 Q This is an email thread produced by the  
6 State. The most recent email is August 2nd, 2015.

7 The subject reads: "New SLO Contact  
8 information."

9 And the Bates number on the bottom first  
10 page reads GA03549486

11 Ms. Low, do you recognize this email  
12 thread?

13 A I don't recognize the email. I do see  
14 that it was from me and between Stacey Benson.

15 Q But you have no reason to doubt that it  
16 was yours?

17 A I don't. I collaborated with Stacey and  
18 supported her in the work we've been discussing with  
19 SLOs.

20 Q Am I correct that Stacey Benson was the  
21 director of the Futures Regional GNETS program?

22 A As I recall, she was director already.

23 Q Do you know if she still holds that  
24 position?

25 A She does.

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1 Q Then if with go down to her signature  
2 block in the middle, do you see that it says Futures  
3 Program GNETS Director?

4 A Yes.

5 Q Let's look at the first email in the  
6 thread. It's from you on July 31st, 2015. It's at  
7 the bottom of the second page.

8 A Oh.

9 Q Do you see that? From you at 1:19 p.m.  
10 It reads, quote: "It has been a pleasure  
11 to serve as your SLO contact. I'm extremely proud  
12 of the work accomplished and your ongoing commitment  
13 to the effective use of Student Learning  
14 Objectives."

15 Do you see that?

16 A Uh-hum. (Affirmative.)

17 Q And this is what we were just talking  
18 about that you were doing with DeKalb-Rockdale as  
19 well, the student learning objectives?

20 A Yes.

21 Q Let's look at the top email.

22 A On the first page?

23 Q Yes. The third paragraph.

24 Do you see, quote: "I want you to know  
25 that I loved working with the GNETS. There is not a

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1 better group of professionals. I appreciate all  
2 that you do"?

3 Do you see that?

4 A I do.

5 Q And then what type of work were you  
6 referring to, just the student learning objectives?

7 A Yes, just the student learning objectives.

8 Q And how often were you communicating with  
9 the regional GNETS programs related to the student  
10 learning objectives?

11 A Depended on what time of the year it was.  
12 If they had things due, then I might be talking to  
13 them multiple times a day. But it just varied.  
14 Just the same frequency I would have with any LEA.

15 Q Got it. And just to give me the calendar  
16 year, can you tell me when the busy time is?

17 A It was at -- like August, the summer and  
18 August, because they were setting the objectives and  
19 getting everything ready for the school year.

20 And then we had three different reporting  
21 periods, that they only had to really report at the  
22 beginning and the end, but we had those interim  
23 reporting periods because we could tell them if they  
24 were missing data, were off track, you know, things  
25 of that nature. And most people complied with the

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1 interim reporting, so that we didn't wait until the  
2 end of the year and then get to a thousand errors or  
3 something in it. Which happened with one large  
4 district.

5 Q So you're speaking from experience with  
6 those errors.

7 And then I see you are speaking to the  
8 GNETS director here and with the other exhibit we  
9 looked at. Did you also connect with other regional  
10 GNETS program staff --

11 A Yes.

12 Q -- when you were an SLO?

13 A Sure. I mean I worked directly with their  
14 teachers, if that's what you mean.

15 Q Any other staff?

16 A Coordinators. I mean the person that  
17 served like the principal, and then the director.  
18 But the teachers primarily built assessment. So  
19 that was -- I might speak to the directors, but then  
20 when they sent them to the session to do the -- you  
21 know, they needed experts in that content to come.

22 Q Thank you. Just one more exhibit and then  
23 we'll take a break.

24 MS. TUCKER: I would like the court  
25 reporter to mark the following document as

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1 Plaintiff's Exhibit 923.

2 (WHEREUPON, Plaintiff's Exhibit-923 was  
3 marked for identification.)

4 BY MS. TUCKER:

5 Q This is an email thread produced by the  
6 state dated November 30, 2015. The most recent  
7 email thread is from Linda Castellanos to you and  
8 the subject reads: "SLO question."

9 The Bates number on the bottom of the  
10 first page reads GA03552093.

11 Ms. Low, do you recognize this email  
12 thread?

13 A Now where am I in?

14 MR. BEDARD: Can you say that number  
15 again? I've got -- the number I've got is  
16 03549403.

17 MS. TUCKER: Thank you.

18 MR. BEDARD: That's the one I've got.

19 MS. TUCKER: Let's take that one back.

20 Thank you.

21 MR. BEDARD: Yep.

22 MS. TUCKER: We'll start again. This will  
23 be Plaintiff's Exhibit 923.

24 MR. BEDARD: 3552093?

25 MS. TUCKER: Yes. I'm going to introduce

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1 it again.

2 BY MS. TUCKER:

3 Q This is an email thread produced by the  
4 State, dated November 30, 2015. The most recent  
5 email of the thread is from Linda Castellanos to  
6 you, and the subject reads: "SLO question."

7 The Bates number on the bottom of the  
8 first page reads GA03552093.

9 Do you recognize this email thread,  
10 Ms. Low?

11 A I don't recall it, but it appears it is  
12 with Linda.

13 Q And no reason to doubt it?

14 A I don't.

15 Q And then am I correct that Linda  
16 Castellanos is sending this to you after you no  
17 longer serve as an SLO contact?

18 A Yeah. It does look like she sent it to me  
19 when I already was in the division. The Special Ed  
20 Division, I should say.

21 Q And looking at her email, is she asking  
22 you for guidance about reporting information related  
23 to the SLOs?

24 A Let me read it.

25 Q Take a moment.

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1 (Witness reviews exhibit.)

2 A Yes. What did you want to know?

3 Q I wanted to make sure you saw that and  
4 then we can talk about the document.

5 So Linda Castellanos is asking you  
6 questions about reporting for the SLOs, correct?

7 A Yes.

8 Q Your response, do you see that? At  
9 November 30, 2015, at 11:50 a.m., you wrote that,  
10 quote: "GNETS were established as their own LEA for  
11 the SLO reporting purposes because of some of these  
12 challenges."

13 Do you see that?

14 A Yes.

15 Q What do you mean by some of these  
16 challenges?

17 A Because we have a lot of shared services  
18 in GNETS. So there are rare instances that -- well,  
19 for example, Coweto County kids were served in  
20 Coweta County buildings, so that's not a problem.  
21 But when you have the Carrollton City, Carroll  
22 County, and Heard County, where did the scores rest?

23 And it was just as I was explaining about  
24 the go-back to the teacher and to the leader.

25 So I didn't make this decision but

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1 somebody in our department or the -- I think they  
2 used to call it the TAC, the technical assistants,  
3 whatever, the national experts too -- said it's not  
4 really right to send it back to teachers' classes in  
5 the home school when they didn't even instruct the  
6 child.

7 So they had to establish them like an LEA.  
8 They were not an LEA. So that the reporting would  
9 feed back to the leader of the building and the  
10 teacher that taught the child.

11 The certificate number, like we referenced  
12 in here, that's how it went back.

13 Q Understood.

14 A And then there are rules how many days  
15 they have been in the class. They had to have been  
16 in a certain number to count.

17 Q So the regional GNETS programs were  
18 distinct in this instance, correct, for the  
19 reporting?

20 A It was just tracking it back to the  
21 teacher and leader, where the instruction was  
22 provided.

23 Q Are there instances of data reporting  
24 where GNETS are also identified as their own LEA  
25 that you're --

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1 A No. I mean they feed back to the origin,  
2 the home school, the home district.

3 MS. TUCKER: Let's go ahead and take  
4 break.

5 It's 10 -- almost 10:30.

6 THE VIDEOGRAPHER: Going off the record at  
7 10:27.

8 (A recess was taken.)

9 THE VIDEOGRAPHER: We're back on the  
10 record at 10:50.

11 BY MS. TUCKER:

12 Q Welcome back, Ms. Low.

13 So let's move on to your role as the  
14 education program specialist within the Special  
15 Education Supports -- Services and Supports  
16 Division.

17 Then earlier you testified that you held  
18 that position from 2015 to 2017, correct?

19 A Yes.

20 Q Did you work with the GNETS program  
21 manager for GaDOE while you were an education  
22 program specialist?

23 A I don't think we had a program manager for  
24 GNETS until -- I don't know, maybe 2016 or  
25 something.

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1 Q So prior to 2016, when you were an  
2 education program specialist, did you work with  
3 anyone in GaDOE related to the GNETS program?

4 A No, I didn't work with them that I recall.

5 Q Were you no longer working with Sandy  
6 DeMuth?

7 A Well, when I came to the Special Ed  
8 Division it was not one of my duties to collaborate  
9 with Sandy.

10 Q And you just said that in 2016 you believe  
11 is when GaDOE hired a GNETS program manager?

12 A Somewhere in that time, while I was --  
13 while I was still a program specialist, the first  
14 program manager that I know anything about was hired  
15 and her cubicle was across from mine. That's the  
16 only reason I know that.

17 Q And who was that?

18 A Nakeba Rahming.

19 Q But you did not interact with her?

20 A Not more than just hey.

21 Q Office friends?

22 A Logistical kind of things.

23 Q When you were education program  
24 specialist, did you work with the regional GNETS  
25 programs?

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1           A     When I was a program specialist? Well, if  
2     they came to our collaborative communities that we  
3     meet monthly, I may have interacted.

4           Q     What are collaborative communities?

5           A     It's essentially bringing the special ed  
6     directors together in a -- it's a GLRS region as  
7     opposed to a RESA region, but they're essentially  
8     the same thing.

9                     To meet monthly and to collaborate with  
10    each other collegially. Of course there's a time  
11    for professional learning, and the district liaison,  
12    the position you were talking about, typically  
13    attends.

14          Q     Thank you. Then you were the program  
15    manager from 2017 to 2018. At that time did you  
16    work with the GNETS program manager for GaDOE?

17          A     I don't recall any.

18          Q     Did you work with anyone else related to  
19    the GNETS program at GaDOE when you were in that  
20    position?

21          A     I don't recall at all if there was any  
22    interaction.

23          Q     And then did you work with the regional  
24    GNETS program when you were a program manager at  
25    GaDOE?

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1 A Is that not the same thing we just said?

2 Q I was asking you about the GNETS program  
3 office within GaDOE before, and I'm now asking if  
4 you interacted with any of the regional GNETS  
5 programs specifically?

6 A Only if they were in the collaborative  
7 communities.

8 Q So same answer?

9 A Yeah, they're not an LEA, so working  
10 directly with LEAs included them but maybe I wasn't  
11 working directly with them.

12 Q Thank you.

13 And then following you served as a program  
14 manager senior within the Special Education Services  
15 and Supports Division?

16 A Yes.

17 Q And that was from March or April 2018  
18 through September of 2021?

19 A Yes.

20 Q And did you apply for this position?

21 A For the senior program manager?

22 Q Uh-hum. (Affirmative.)

23 A I did.

24 Q What led you to apply for the position?

25 A I was encouraged.

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1 Q By whom?

2 A By Zelphine Smith-Dixon.

3 Q And did you interview for the position?

4 A I did.

5 Q Who did you interview with?

6 A I'm not sure that I remember. I think it  
7 was Kachelle and John White. And Zel.

8 Q And as program manager senior, did you  
9 work with Nakeba Rahming?

10 A No.

11 Q Did you work with other people at GaDOE  
12 related to the GNETS program office when you were  
13 program manager senior?

14 A You know, in the spring of 2018 is when  
15 Nakeba had surgery, so her position was vacant for a  
16 while. Vickie Cleveland was working as one of our  
17 district liaisons and I was her supervisor, and she  
18 was tapped to be the GNETS program manager in the  
19 interim there.

20 So the only interactions that I  
21 particularly would have had with the GNETS would  
22 have been if somebody asked me to interact with  
23 them.

24 We did some training, of course,  
25 specifically for GNETS, if we were asked by Vickie.

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1 Like some transition, you know, training, things  
2 like that.

3 Q What do you mean by transition training?

4 A Transition planning for students with  
5 disabilities. By the ninth grade, or when they turn  
6 16, whichever comes first, you have to have a formal  
7 transition plan, and whatever resources we provided  
8 to every LEA, of course that would be available to  
9 the GNETS, too.

10 Q And this was transitioning -- for  
11 transitioning out of school?

12 A Uh-hum. To post-secondary.

13 Q Who tapped Vickie Cleveland for this  
14 position?

15 A I'm' assuming Zel did, but I don't know.  
16 I mean I just was notified that Vickie was going to  
17 serve in that role and that we would have to replace  
18 her.

19 Q As a district liaison?

20 A Yes.

21 MS. TUCKER: I'd like the court reporter  
22 to mark the following document as Plaintiff's  
23 Exhibit 924.

24 (WHEREUPON, Plaintiff's Exhibit-924 was  
25 marked for identification.)

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1 BY MS. TUCKER:

2 Q This is an email thread produced by the  
3 State. The most recent email in the thread is dated  
4 April 10, 2018. It's from Vickie Cleveland to you.

5 The subject reads: "E-Performance."

6 The Bates number on the bottom of the  
7 document is GA03584228.

8 Ms. Low, do you recognize this email  
9 thread?

10 A I don't remember it, but I do believe that  
11 it was to me and a response from me.

12 Q And you have no reason to doubt it?

13 A No.

14 Q Okay. Let's look at the bottom email  
15 that's from Vickie Cleveland, where she wrote,  
16 quote: "Nakeba would like for you to complete my  
17 e-performance for this year."

18 Do you see that?

19 A Uh-hum. I do.

20 Q What is an e-performance?

21 A It's just an electronic platform to enter  
22 the evaluation.

23 I think the difference we're referencing  
24 here is we did evaluations on paper for a long time,  
25 and this was probably the year that there was a push

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1 to make sure that they were in a platform.

2 Q So this is her performance evaluation?

3 A It is.

4 Q Does this mean that Vickie Cleveland  
5 reported directly to you as GNETS program manager?

6 A No, she has not. I don't recall the  
7 specifics of the timing of all this, but it sounds  
8 like Nakeba had told Vickie she had worked for me  
9 the majority of the year as a DL and Nakeba was just  
10 saying would you go head and do the annual  
11 evaluation.

12 Q So the following year, you also evaluate  
13 Vickie Cleveland?

14 A I don't remember evaluating her, but I, I  
15 do vaguely, after reading this, remember that that's  
16 typical for us to do, if somebody has had the  
17 employee for the majority of the year, and let's say  
18 the last two months they've changed to a new  
19 manager, we very often will ask the previous manager  
20 to do that.

21 But I don't think I evaluated her after  
22 that.

23 Q Okay. How would you characterize Vickie  
24 Cleveland's evaluations when you did evaluate her?

25 A Vickie's evaluation was good. She's a

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1 high performer, goes over and above.

2 Q Have you noted any areas of improvement on  
3 her evaluations in the past?

4 A I don't recall any.

5 Q Since Vickie Cleveland has been GNETS  
6 program manager, how often do you communicate with  
7 her?

8 A I may communicate with her frequently at  
9 times because of events or situations that may  
10 happen, but we have a regular standing meeting every  
11 other week, on Wednesdays at 9:00, and she meets in  
12 leadership every Thursday at 2:00.

13 Q When you say that you have an every other  
14 week meeting with her on Wednesdays at 9:00, who  
15 else attends those meetings?

16 A Typically, Lakesha Stevenson, who is the  
17 program specialist. Sometimes Shaun attends.

18 I don't recall anybody else attending that  
19 meeting.

20 Q And when did these meetings, every other  
21 week meetings, start?

22 A They had already started when I assumed  
23 the interim role. This was the pattern that they  
24 had.

25 We have met weekly but I felt like every

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1 other week would be sufficient.

2 Vickie calls me if anything she needs to  
3 tell me or ask me. So I'm very accessible to her  
4 and she's very, very good about contacting me.

5 Q And when was the change from weekly to  
6 every other week for these meetings?

7 A I think since I've been interim and  
8 director, it was just every other week, but it was  
9 previously weekly.

10 Q And what's discussed at these meetings?

11 A It depends on what's going on. If she has  
12 news from the field that a director has called  
13 concerned about something.

14 If she has any kind of concerns or  
15 positive things that have happened, any kind of  
16 resources that she may need or ideas that she has to  
17 support them. We don't have control of the program.  
18 It's the local LEAs, so.

19 Q Does she send an agenda prior to these  
20 meetings?

21 A Every now and then. Not necessarily each  
22 meeting.

23 Q You also mentioned she attends a  
24 leadership meeting every Thursday at 2:00?

25 A Uh-hum. Yes.

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1 Q What leadership?

2 A It's the leadership meeting with my  
3 program managers and senior program managers.

4 Q So leadership within the Special Education  
5 Services?

6 A Yes.

7 Q -- and Supports Division?

8 A Uh-hum.

9 Q We'll do our best to not --

10 A I'm sorry.

11 Q It's okay. It makes sense in conversation  
12 but for the record. Thank you.

13 A moment ago you -- you stated, "I may  
14 communicate with her frequently at times because of  
15 events or situations that may happen."

16 What types of events or situations would  
17 lead for to you speak with her more frequently?

18 A Well, it could be something that we're  
19 trying to roll out from the Division, and she's  
20 calling to ask me who to call about something. Or  
21 when we have a contract renewal, it may be something  
22 of that nature.

23 Q What type of contracts would she be  
24 involved with?

25 A She has a contract with the company that

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1 owns iReady. That's been a source of conversation  
2 recently about renewing it or not and things like  
3 that.

4 Q What's iReady?

5 A It's just an online program that helps  
6 measure the student's growth and also does  
7 remediation. It's a very typical program. A lot of  
8 school districts have it.

9 Q And this is something that the GNETS  
10 program uses?

11 A It is something that is available, that  
12 the program uses, if they choose to, at their  
13 regional level.

14 Q And what is the discussion right now  
15 surrounding keeping it?

16 A To provide the funding for it if the  
17 regional areas want it, but let them have the  
18 contract.

19 Q And who's involved in these conversations?

20 A Just Vickie and I have talked about that.

21 Q Have you made a decision yet?

22 A No.

23 Q A moment ago you mentioned Lakesha  
24 Stevenson?

25 A Uh-hum. (Affirmative.)

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1 Q What's her role?

2 A She's a program specialist.

3 Q For GNETS?

4 A For GNETS.

5 MS. TUCKER: I'd like the court reporter  
6 to mark the following document as Plaintiff's  
7 Exhibit 925.

8 (WHEREUPON, Plaintiff's Exhibit-925 was  
9 marked for identification.)

10 BY MS. TUCKER:

11 Q This is an email thread produced by the  
12 State. The most recent email in this thread is  
13 dated August 2nd, 2018. It's from you to Vickie  
14 Cleveland. The subject reads: "GNETS Program  
15 Specialist Interviews," and there's one attachment.

16 The Bates number on the bottom of the  
17 first page of this document reads GA00330300.

18 Mrs. Low, do you recognize this email  
19 thread?

20 A I don't recall it but yes. I mean it --

21 Q Do you have any reason to doubt it?

22 A I don't.

23 THE VIDEOGRAPHER: Going off the record at  
24 11:08.

25 (Discussion ensued off the record.)

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1 THE VIDEOGRAPHER: We're back on the  
2 record at 11:08.

3 BY MS. TUCKER:

4 Q Let's go to the bottom email from Vickie  
5 Cleveland to Felicia Peavy.

6 Do you see that email?

7 A I do.

8 Q You mentioned Felicia Peavy earlier. What  
9 role did she have when Vickie sent this email?

10 A When I became senior program manager, she  
11 became program manager in my place.

12 Q So program manager?

13 A Yes.

14 Q Is she still in that role?

15 A Yes.

16 Q And am I correct from looking at this  
17 email that Vickie Cleveland is including you in  
18 GNETS program specialist interviews?

19 A That's the way it appears.

20 Q Why is that?

21 A Well, I was the senior program manager by  
22 this point. So I guess she wanted to include one of  
23 the senior program managers, and then she's  
24 including Felicia.

25 Q Felicia. Thank you.

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1                   So when you were senior program manager,  
2                   was the GNETS program under your responsibilities?

3           A       No. When we do interviews, we typically  
4                   like to have managers serve on that. So I'm sure  
5                   she was trying to round up some managers to be on  
6                   the interview committee.

7           Q       And do you -- was there a different senior  
8                   program manager that oversaw the GNETS program at  
9                   that time?

10          A       No.

11          Q       Is there now?

12          A       No.

13          Q       Did you participate in these interviews?

14          A       I don't remember if I did, but I may have.  
15                   You probably have something to prompt my memory.

16          Q       Why was GaDOE hiring a GNETS program  
17                   specialist?

18          A       You know, again, Nakeba had had surgery  
19                   and she was out, and Vickie had been appointed to do  
20                   this, and I don't remember if she had been hired in  
21                   the role officially at that point, but it was a lot  
22                   of work to do and especially trying to analyze data  
23                   and look at performance and things like that, that  
24                   she felt like it was necessary to have someone to  
25                   support her.

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1 Q So it was a workload?

2 A It was.

3 Q Whose decision was it to add this  
4 position?

5 A I'm unsure.

6 Q What type of candidate was GaDOE looking  
7 for to fill the role of GNETS program specialist?

8 MR. BEDARD: Object to form.

9 A Again, this is just from my impression  
10 more than -- and I don't even know if I ought to  
11 answer that because I don't know directly.

12 Q You were involved in the hiring or you  
13 don't recall?

14 A Lakesha has a very strong background in  
15 behavior management, and I believe that's the reason  
16 that she was interested and ultimately chosen.

17 MS. TUCKER: I'd like the court reporter  
18 to mark the following document as Plaintiff's  
19 Exhibit 926.

20 (WHEREUPON, Plaintiff's Exhibit-926 was  
21 marked for identification.)

22 BY MS. TUCKER:

23 Q This is an August 17th, 2018 email from  
24 Vickie Cleveland to Felicia Peavy and you.

25 The subject is: "GNETS Program Specialist

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1 Interviews." There's one attachment.

2 The Bates number on the bottom of the  
3 first page is GA03590706.

4 Ms. Low, do you recognize this email  
5 thread, or email and attachment?

6 A I honestly don't have any memory of it.

7 Q Do you have any reason to doubt it?

8 A No. I mean it says my name is on here.

9 Q And it was produced by the State?

10 A Yes.

11 Q So this doesn't help jog your memory for  
12 participating in the interviews?

13 A No, it does not. The names do not seem  
14 familiar to me at all other than Lakesha.

15 Q If you participated in interviews, would  
16 you be part of the discussions around selection?

17 A My input would be considered, but I would  
18 not necessarily be the one to make the decision.

19 Q Lakesha Stevenson was at GaDOE prior to  
20 this position?

21 A Yes.

22 Q Correct?

23 A Yes.

24 Q Had you worked with her prior?

25 A Yes. She was in our Results Driven

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1 Accountability unit prior to joining Vickie.

2 Q So you oversaw her work?

3 A I don't think I did. I think it was the  
4 other program manager.

5 MS. TUCKER: I'd like the court reporter  
6 to mark the following document as Plaintiff's  
7 Exhibit 927.

8 (WHEREUPON, Plaintiff's Exhibit-927 was  
9 marked for identification.)

10 BY MS. TUCKER:

11 Q This is an April 10th, 2018 email thread  
12 produced by the State. The most recent email is to  
13 -- is from you to Paula Gibson, and the subject  
14 reads: "Dispute Resolution Letter  
15 Requirements/Butts County."

16 The Bates number on the bottom document is  
17 GA03584360.

18 Ms. Low, do you recognize this email  
19 thread?

20 A I don't remember it.

21 Q Do you have any reason to doubt it?

22 A No.

23 Q Who is Paula Gibson?

24 A Paula is a program specialist still in  
25 Results Driven Accountability. She previously

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1 worked in Dispute Resolution, and it appears from  
2 the content of this she probably was working in  
3 Dispute at that time.

4 Q Let's go to her first email at the bottom  
5 of the page. Do you see where she wrote, quote:  
6 "Butts County," in parentheses, "Mainstay Academy -  
7 GNETS) was found non-compliant in three separate  
8 resolution letters for the following IDEA issues:  
9 1) Development, review, and revision of the IEP, 2)  
10 Confidentiality, 3) FAPE."

11 Do you see this?

12 A I do.

13 Q Why is Paula Gibson reaching out to you  
14 with this information?

15 A Probably -- Lakesha was probably assigned  
16 to me at that time. You know, sometimes, because  
17 the two program managers work so much in sync, it's  
18 not like you've got two different units. So she  
19 could have been just reaching out to me as one of  
20 the two RDA managers, but I would speculate that  
21 Lakesha was the district liaison for that region,  
22 South Metro, and because there were two -- well,  
23 that would -- yeah, South Metro, I guess.

24 Because there were three dispute and  
25 resolution letters that related to Mainstay Academy,

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1 I'm thinking they were asking for our DL to go in  
2 and work with them on the specific issues with some  
3 professional learning.

4 Q And by DL, you mean district liaison?

5 A I do.

6 Q How was Butts County found noncompliant?

7 A How were they found noncompliant?

8 Q Yeah.

9 A Through the investigative process that we  
10 have for every dispute that comes in, formal  
11 complaint.

12 Q What is that investigative process?

13 A Well, we receive a complaint and we decide  
14 if there's enough reason to move forward with it.  
15 In other words, you know, is the complaint about  
16 something related to IDEA. So we either accept it  
17 or we inform the complainant why we're unable to,  
18 and then we assign an investigator.

19 We have contract people investigating.  
20 Some are attorneys. There are a number that are  
21 formal special education directors. Other people  
22 with extensive experience in this field may do an  
23 investigation. And then of course there are  
24 responses from whoever the complaint was filed  
25 against, back and forth. Then it eventually all

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1 comes back to our dispute resolution unit. They  
2 review it. They check, double-check to make sure  
3 that anything that seemed to be out of line was true  
4 to them, too. Then we issue a letter.

5 Q And this would be noncompliance with the  
6 IDEA?

7 A Yes.

8 Q And you said complaints -- they're  
9 triggered by a complaint. Who sends a complaint?

10 A It could be anybody. I don't know in this  
11 case who sent the complaint, but, you know, it could  
12 be a teacher in the school, a parent, an advocate.  
13 Anybody.

14 Q And then am I correct that Paula Gibson  
15 suggested someone assist Lakesha Stevenson with the  
16 review process?

17 Do you see that in her email?

18 A I do. I'm just trying to read.

19 She's just asking for somebody to support  
20 Lakesha, too, because there appears to be -- she's  
21 concerned about Mainstay and she thinks we need to  
22 provide support.

23 Q And she's concerned about Mainstay because  
24 of these findings?

25 A Yes.

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1 Q Do you recall these findings?

2 A Oh, I don't. I didn't see the resolution  
3 letters in my capacity as senior program manager.

4 I might have had. Just like this email,  
5 as an RDA program manager, after the complaint and  
6 the resolution letter to follow the corrective  
7 action, it goes back to the district liaison.

8 Q And that would be Lakesha?

9 A It would have been apparently, and Monica  
10 did leave before the end of the year. So that  
11 probably all made sense.

12 Q Who is Monica?

13 A She was a program specialist with us.

14 Q In RDA?

15 A Yes.

16 Q And then looking at your email, you write:  
17 "I am happy to support this process with Lakesha."

18 A Yes.

19 Q So you -- would you have seen the  
20 documents then?

21 A I believe what I would have meant is I'm  
22 happy for Lakesha to work on this and if Lakesha has  
23 any questions, she can come to me.

24 Q Can you look at the second sentence: "Can  
25 you forward a copy of the Policies, Practices and

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1 Procedures that Mainstay submitted?"

2 Do you see that?

3 A I do.

4 Q You don't think you reviewed the  
5 documents?

6 A I probably did in conjunction with  
7 Lakesha, but I don't recall anything specific.

8 Q You had conducted other noncompliance  
9 reviews involving regional GNETS programs?

10 A I don't think I have -- GNETS, I've  
11 certainly done compliance reviews in my role as a  
12 specialist, and then in signing off and reviewing  
13 with the specialist assistant manager.

14 MS. GARDNER: Off the record.

15 (Discussion ensued off the record.)

16 THE VIDEOGRAPHER: Going off the record at  
17 11:21.

18 (Discussion ensued off the record.)

19 THE VIDEOGRAPHER: We are back on the  
20 record at 11:29.

21 MS. TUCKER: Thank you.

22 BY MS. TUCKER:

23 Q Ms. Low, earlier you mentioned that you  
24 had been discussing potential changes to the iReady  
25 contract with Vickie Cleveland, correct? Correct?

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1 A Yes.

2 Q What prompted the discussion about the  
3 potential change in the iReady contract?

4 MR. BEDARD: Object to form.

5 A Vickie brought that up to me and said she  
6 would like to distribute the funds to the GNETS, so  
7 that they could make their own decision. Because  
8 some LEAs in each region were using that, it made  
9 more sense for certain GNETS to mirror that, and  
10 then in other places they were using some other  
11 tool.

12 So she was not trying to pull funding  
13 back; she was just trying to make it more flexible.

14 Q Thank you.

15 MS. TUCKER: I'd like the court reporter  
16 to mark the following document as Plaintiff's  
17 Exhibit 928.

18 (WHEREUPON, Plaintiff's Exhibit-928 was  
19 marked for identification.)

20 BY MS. TUCKER:

21 Q This is a September 28, 2017 email  
22 produced by the State. It's from Monica Henderson  
23 to you with the subject: "Teleworking today."

24 The Bates number on the bottom of the  
25 document reads GA03575906.

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1 Ms. Low, do you recognize this email?

2 A I do.

3 Q And then who is Monica Henderson again?

4 A Monica came to work for us and she was  
5 with us less than a year. She was excellent at her  
6 job, but she was offered a position as an assistant  
7 director closer to her home.

8 Q And this was when you were in the Special  
9 Education Division?

10 A When I was?

11 Q Uh-hum. (Affirmative.)

12 A Yes.

13 Q And when did she leave?

14 A Oh, I think she left about April because  
15 the district insisted that they needed her to go  
16 ahead and leave her position to come there.

17 Q So April 2018?

18 A Um, I don't honestly remember which year,  
19 but probably.

20 Q Was she one of your direct reports?

21 A She did.

22 Q Looking at her email, do you see where she  
23 wrote, quote: "I plan to work on the GNETS  
24 Implementation Manual."

25 Do you see that?

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1 A I do.

2 Q What is the GNETS Implementation Manual?

3 A I don't -- I didn't ask her to do this,  
4 but I do recall she was part of two or three people  
5 working on a GNETS Implementation Manual, and I  
6 don't recall why or who asked her to do this.

7 Q Does this manual still exist?

8 A I don't think it was ever finished or I  
9 don't know -- I don't know of any remnants of  
10 anything about it that actually became a product.

11 Q And who was the audience for this manual?  
12 Was it for GaDOE or for the programs?

13 A I don't even recall.

14 Q Why was she telling you this then?

15 MR. BEDARD: Object to form.

16 A It sounds like she was just telling me  
17 that she was teleworking and she was naming some  
18 things that she was going to work on while she was  
19 teleworking.

20 Q But this was not under your review?

21 A I was not directing the work on that  
22 manual and, again, I don't even recall who was.

23 I think it never got off the ground.

24 Q Thank you. So following your role as  
25 program manager senior, you became interim state

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1 director for Special Education Services and  
2 Supports?

3 A Yes.

4 Q And that was in September 2021?

5 A Yes.

6 Q Did you apply for this position?

7 A I was contacted by the deputy  
8 superintendent and asked if I would serve as an  
9 interim.

10 Q And by deputy superintendent, you're  
11 referring to --

12 A Shaun Owen.

13 Q Did you interview?

14 A I was promoted when -- after the interim  
15 was taken off in March.

16 Q You're speaking to when you were state  
17 director, correct?

18 A Yes. From interim to state director. And  
19 then when you were asking me if I interviewed, I was  
20 just promoted.

21 Q For both positions?

22 A Well, the interim, as I understand it,  
23 would be at the discretion of the deputy to do and  
24 just to serve in that interim capacity.

25 Q Okay. And then promotion when you were

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1 state director?

2 A Yes.

3 Q What did you understand the role of  
4 interim state director to be when Shaun Owen  
5 contacted you?

6 A To act in the role of director.

7 Q What did you -- what did you think your  
8 core responsibilities would be?

9 A Anything that fell in the purview of the  
10 state director.

11 Q Did your -- in reality, has your job  
12 matched what you expected?

13 A Yes.

14 Q Has it been different in any ways?

15 A No, not really.

16 Q What are your main responsibilities as  
17 interim director, when you were interim director?

18 A The same responsibilities that I have now.  
19 You know, the whole comprehensive nature of special  
20 education of -- you know, our role in ensuring that  
21 the rights of students with disabilities were  
22 carried out according to our state regulations and  
23 of course federal law.

24 You know, we have compliance obligations,  
25 but we also have the direction for state

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1 initiatives, you know, with providing resources,  
2 professional learning and support, best practices.  
3 Of course, you know, many, many different aspects.  
4 Approving budgets, distributing funds, collecting  
5 data.

6 We operate the Georgia online IEP platform  
7 that around 190 of the 223 districts utilize at this  
8 point and have a support network with that. So the  
9 Call Desk, anything about family engagement, dispute  
10 resolution of course is required, operating,  
11 instructional materials.

12 Q So the units we talked about earlier?

13 A Yes.

14 Q Okay. Thank you.

15 MS. GARDNER: I'd like the court reporter  
16 to mark the following document as Plaintiff's  
17 Exhibit 929.

18 (WHEREUPON, Plaintiff's Exhibit-929 was  
19 marked for identification.)

20 BY MS. TUCKER:

21 Q This is an August 31st, 2021 email thread  
22 produced by the State. The most recent email in the  
23 thread is from Matt Jones and was sent to you, and  
24 Shaun Owen is copied. The subject reads: "This  
25 Afternoon."

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1                   The Bates number on the bottom of the  
2                   first page is GA03670897.

3                   Ms. Low, do you recognize this email  
4                   thread?

5                   A       Yes, I do.

6                   Q       Let's start with the earliest email. So  
7                   it's from Matt Jones, and he sent it at 7:48 a.m. on  
8                   August 31st, 2021.

9                   Do you see that?

10                  A       I do.

11                  Q       Okay. Mr. Jones wrote, quote, he "looked  
12                  forward to touching base with you."

13                  Do you see that?

14                  A       I do.

15                  Q       And he, quote, was "excited about the  
16                  leadership you'll bring to the team."

17                  Do you see that?

18                  A       I do.

19                  Q       And he's referring to you being interim  
20                  state director?

21                  A       Yes.

22                  Q       You had met with Matt Jones prior to being  
23                  interim state director?

24                  A       I don't think I've had a meeting with Matt  
25                  prior to being interim.

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1 Q Had you communicated with Mr. Jones in any  
2 way prior?

3 A I don't recall it off the top of my head,  
4 but I mean he could have reached out to me for some  
5 specific topic from time to time.

6 Q Do any topics come to mind?

7 A No, not really. He had reached out to me  
8 a few times just on a personal note and that was it.

9 Q Mr. Jones wrote that he identified topics  
10 to discuss at a meeting that afternoon, correct?

11 A Yes.

12 Q Did anyone else attend this meeting?

13 A Shaun was there, Shaun Owen.

14 Q So it was you, Shaun Owen, and Matt Jones?

15 A Uh-hum. Yes.

16 Q Let's look at his email. Do you see that  
17 he notes topics to "Focus," "Evaluate," and  
18 "Discuss"?

19 A Yes.

20 Q What did he mean by the heading "Focus"?

21 MR. BEDARD: Object to form.

22 You can answer.

23 A We had a meeting set and it was really the  
24 first meeting that I was included in with our chief  
25 of staff, to talk about me transitioning into the

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1 interim role, and he was just telling me what he  
2 wanted me to be prepared to talk about.

3 Q Okay. Did you see any distinction between  
4 the Focus, Evaluate, and Discuss categories?

5 A Yes.

6 Q Can you explain the distinction?

7 A Well, I think in Focus he's telling me  
8 that's where I want your focus to be. I want to  
9 improve or -- well, the teacher pipeline would be  
10 more of a focus. And then compliance, he wants us  
11 to of course continue our work with that.

12 He was talking about evaluating the  
13 assistive technology, and PBIS, GRLS, about where  
14 are we, what direction do we need to go, and then to  
15 discuss MTSS, GNETS, and ASPIRE.

16 Q What is MTSS?

17 A Multitiered System and Supports.

18 Q What did Mr. Jones discuss with you  
19 requiring MTSS at this meeting?

20 A I don't recall any specifics about it.  
21 Probably just how we all interfaced together.

22 This was pretty recently after they had  
23 moved into the Office of Whole Child.

24 Q So how the two divisions interfaced  
25 together?

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1 A Worked together.

2 Q What is ASPIRE?

3 A It's our Georgia own student-led IEP  
4 process.

5 Q How long has ASPIRE existed?

6 A More than 10 years. Maybe 12 to 15 years.

7 Q And what did Mr. Jones discuss with you  
8 regarding ASPIRE?

9 A I don't even remember us talking about  
10 that at all in the meeting.

11 Q And then GNETS, what did Mr. Jones discuss  
12 with you during this meeting about GNETS?

13 MR. BEDARD: I'll just object here to the  
14 extent you guys talked about the litigation.

15 Don't, don't talk about anything you guys  
16 discussed about the litigation. If it's  
17 anything else, feel free to discuss.

18 A I don't think I have anything to answer  
19 then.

20 Q Okay. Did Mr. Jones discuss his vision  
21 for the GNETS program?

22 A I think it was all related to just  
23 briefing me on where we were.

24 Q In the lawsuit?

25 MR. BEDARD: Again, if it's about the

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1 lawsuit, you know, then I'd instruct you not to  
2 answer.

3 Q Separate from this meeting, has he  
4 discussed his vision for the GNETS program with you?

5 A I do not recall discussing it with him.

6 Q How about GaDOE's vision for the GNETS  
7 program?

8 MR. BEDARD: Object to form.

9 A I couldn't add anything to that because of  
10 the litigation. I mean it all falls there.

11 Q Has he discussed in any meeting you had  
12 with Mr. Jones specific steps that you were to take  
13 with the GNETS program in your division?

14 A Again, I don't think that any discussion  
15 we've had in regards to something like that. It  
16 would have been related to litigation.

17 Q In your email back to Mr. Jones, you  
18 wrote, quote: "I look forward to ensuring the  
19 vision of the department is fully aligned with the  
20 division."

21 Do you see that?

22 A Yes, I do.

23 Q What did you mean?

24 A I wanted to make sure the Special  
25 Education Division is aligned with the overall

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1 Georgia Department of Education vision.

2 Q And what is the overall vision for GaDOE?

3 MR. BEDARD: Object to form.

4 A One of the main points that Mr. Jones  
5 wanted to emphasize was our division has an  
6 obligation to carry out compliance, but, on the  
7 other hand, he wanted me to look at the division to  
8 see if there were ways that we could not always be  
9 about compliance. You know, how could we also focus  
10 on instruction and best practice with students with  
11 disabilities, and there's a balance. This is my  
12 opinion. There is a balance. And, you know, I  
13 believe that we're very aligned in our thinking on  
14 that topic.

15 Q And what is your division's vision? That  
16 was just GaDOE's vision. What is your vision? So  
17 what is your vision?

18 MR. BEDARD: Object to form.

19 A Our vision is their vision.

20 Q Okay.

21 A You know, we're in one.

22 Q So it's aligned?

23 A Yes.

24 Q How frequently did you meet with Mr. Jones  
25 while you were interim state director?

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1           A     Oh, not frequently. I don't interact with  
2 the chief of staff frequently at all. Our deputy  
3 does.

4           Q     Have you met with him more often as state  
5 director?

6           A     No. The frequency hasn't really changed.

7           Q     In addition to the meeting we just saw in  
8 this email, have you met with Mr. Jones at other  
9 times regarding the GNETS program?

10          A     Only in regard to the litigation.

11          Q     And would it be -- approximately how many  
12 times?

13          A     Only three meetings come to my mind,  
14 including this one that you're referencing.

15                MS. TUCKER: I'd like the court reporter  
16 to mark the following document as Plaintiff's  
17 Exhibit 930.

18                (WHEREUPON, Plaintiff's Exhibit-930 was  
19 marked for identification.)

20 BY MS. TUCKER:

21          Q     This is a September 1st, 2021 email invite  
22 produced by the State. It's from Shaun Owen to you.

23                The subject reads: "GNETS weekly," and it  
24 indicates the invite recurrence is for weekly, and  
25 the required attendees are you, Vickie Cleveland,

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1 and Zelfphine Smith-Dixon.

2 The Bates number on the bottom document  
3 reads GA03670906.

4 Ms. Low, do you recognize this invite?

5 A Yes.

6 Q Is this the same weekly meeting we spoke  
7 about earlier?

8 A It is. She's just forwarding me the  
9 electronic meeting invitation because this is  
10 exactly during the transition time when Dr.  
11 Smith-Dixon was leaving.

12 Q And it was still weekly at that point?

13 A It was.

14 Q And what led for it to be bi-weekly now?

15 A Well, I think that our meeting topics that  
16 -- I don't think. I suggested it. I don't know  
17 exactly which of the group, but at some point we  
18 said unless there's something that we need to  
19 discuss every week, and we can always have a called  
20 meeting like that, we would move to every other  
21 week.

22 Q Is the lawsuit discussed at these  
23 meetings?

24 MR. BEDARD: You can say if the lawsuit is  
25 discussed at the meeting. Just don't --

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1 A Sometimes.

2 Q And you became state director in March  
3 2022?

4 A Yes.

5 Q And did your job change at all from  
6 interim to state director? Any responsibilities  
7 added?

8 A No.

9 Q Can you describe a typical day for you as  
10 state director?

11 A I have a lot of meetings, a lot of  
12 prescheduled meetings that go along. Of course,  
13 I've referenced some of the things that are standing  
14 meetings, like leadership every Thursday at 2  
15 o'clock, and of course I have meetings with our  
16 deputy superintendent and our associate  
17 superintendent.

18 So in between those meetings, of course  
19 I'm looking at emails, signing off on financial  
20 things, personnel matters, that type of thing.

21 I'm never bored. I have lot of people  
22 that reach out and contact me during the day that  
23 are surprises that they may need help with, program  
24 managers primarily.

25 And I meet quite frequently with our data

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1 manager, just because there's a lot of data  
2 collection and trying to make sure that it's  
3 accurate.

4 I also collaborate a lot with outside  
5 agencies, such as Georgia Vocational Rehabilitation  
6 Agency. I'm on the State Rehab Council, you know,  
7 as appointed -- as the DOE representative.

8 I'm responsible for the teacher retention  
9 grant. So we have a state implementation team  
10 meeting each month, and we have weekly activities  
11 with that.

12 Of course, we have monthly meetings with  
13 all of our GLRS regional centers, and those meetings  
14 typically are two days, about the third week of the  
15 month.

16 I host monthly directors' webinars. We  
17 have numerous professional learning events going on.  
18 A lot of them I'm not involved in, but certainly if  
19 something is in person or a statewide hosting, like  
20 we had a discipline, two-day discipline training in  
21 March about the new discipline guides from OSEP. I  
22 was there all day those two days.

23 Leading the State Advisory Panel.

24 I mean the list could go on and on.

25 Q You're busy.

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1 A But good busy.

2 Q I understand.

3 Within GaDOE, we discussed a few regularly  
4 scheduled meetings, correct?

5 A Yes.

6 Q Your leadership meeting?

7 A Yes.

8 Q And then your GNETS bi-weekly meeting?

9 A Yes.

10 Q And then you said you meet with the deputy  
11 superintendent?

12 A I do.

13 Q And is that a weekly?

14 A It's scheduled for twice a week.

15 Sometimes we only meet once a week. We talk  
16 multiple times each day by phone or either by a  
17 Teams meeting. The same with the associate  
18 superintendent.

19 Q Any other regularly scheduled meetings?

20 A I meet every Tuesday afternoon with our  
21 instructional program manager. Of course, I attend  
22 cabinet.

23 Q What is cabinet?

24 A That's when we review various things, like  
25 Board items, to see that they're reviewed by the

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1 cabinet before they move through the process.

2 Q Who attends cabinet meetings?

3 A A lot of the leadership. Of course,  
4 several people from the Policy Division and  
5 typically the directors or associate superintendents  
6 or whoever from each division would be represented  
7 there.

8 You know, Stacey, of course, is a part of  
9 it.

10 I'm sure I'm leaving out some major  
11 components, but --

12 Q How often are cabinet meetings?

13 A They're typically weekly.

14 Q And who leads those?

15 A Allan Meyer from our policy division. I  
16 believe he's director.

17 Q Do you attend every cabinet meeting, or is  
18 it when there's an area for you to discuss?

19 A I try to attend every meeting, but of  
20 course I don't have business every time.

21 Q Has your business at a cabinet meeting  
22 ever involved GNETS?

23 A The GNETS allocations, probably.

24 Q What do you mean by GNETS allocations?

25 A From federal funds we have some

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1 allocations that would have gone through cabinet.

2 Q Anything else that would go through  
3 cabinet related to GNETS?

4 A I don't recall a specific item. Of course  
5 any items that go through for Special Education  
6 would also be extended to GNETS, anything we were  
7 doing for everybody.

8 Q Got it. Thank you.

9 Do the allocations of state funds for the  
10 GNETS program go through the cabinet?

11 A No.

12 Q Who do they go through?

13 A Well, they're just allocated from the  
14 legislature.

15 Q Okay. The ones for the GNETS program?

16 A The state funds.

17 Q And the regional GNETS program  
18 allocations?

19 A The allocations I was talking about were  
20 some federal funds we pass along.

21 Q Understood. Thank you.

22 How often do you discuss the GNETS program  
23 with Shaun Owen?

24 A It's hard to say. It varies, you know, by  
25 weeks or days. Certainly we have more discussion

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1 when -- she's out on some visits this week, I'm  
2 here. I'll go out on some visits later on in the  
3 week. Just coordinating our schedules.

4 So we probably have more conversation if  
5 there are things like that going on.

6 Q How about with John White?

7 A John has not been involved in these  
8 discussions prior to October, and he's typically not  
9 in that conversation. That's sort of a division of  
10 duties that they have, and Shaun is my contact. Of  
11 course, Shaun takes things to Stacey if necessary.

12 Q Have you met with Superintendent Woods in  
13 your role as state director?

14 A Yes.

15 Q Have you discussed the GNETS program with  
16 Superintendent Woods?

17 A Yes, but it involved litigation.

18 Q How often or how many times?

19 A I think only one.

20 Q And when was that?

21 A When was that? I believe it was December.

22 Q Of this year -- or of 2022?

23 A I believe that is right.

24 Q Who was present for that meeting?

25 MR. BEDARD: You can answer who was

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1 present.

2 A Stacey was there, chief of staff Matt  
3 Jones was there, Superintendent Woods was there,  
4 Shaun was there, I was there, Vickie.

5 There could have been someone else there  
6 but it's not coming to my mind.

7 Q About how long was that meeting?

8 A At least an hour, maybe an hour and a  
9 half.

10 Q Who do you --

11 A I want to add something.

12 Q Yes, ma'am.

13 A I believe that somebody was here from the  
14 Robbins Law Firm. I think it was Josh Belinfante.

15 Q Thank you.

16 Who do you meet with outside GaDOE related  
17 to the GNETS program?

18 A I mean nobody, unless it's something  
19 related to GNETS. It might be a special ed  
20 director, a GLRS. Somebody that is directly  
21 involved and provides support.

22 Q And then do you as state director, do you  
23 communicate with the regional GNETS programs?

24 A It typically goes through Vickie. You  
25 know, I -- I do include them in meetings. I have

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1 included all of our GNETS directors in our regular  
2 monthly GLRS meeting.

3 I want to make sure they have a direct  
4 line of communication and have that second in-depth  
5 discussion that's in a much smaller group. You  
6 know, where we have our regional leaders and we may  
7 take it a step further than just saying we're going  
8 to do multisensory reading and this is the  
9 initiative and opportunity.

10 I wanted to make sure that the GNETS  
11 directors are included in that.

12 I have gone to their retreat. I have  
13 attended their retreat in the summer.

14 Q As state director?

15 A Yes, as state director.

16 Q Where was --

17 A They attend collaborative communities.  
18 Everybody is collaborative community, but I've made  
19 it a priority of mine to go to each of the  
20 collaborative communities at least once a year and  
21 be there in person with the directors from that  
22 region. So I see GNETS directors there typically.

23 Q Where was the retreat for the regional  
24 GNETS programs?

25 A It was at Jekyll Island.

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1 Q And how long was the retreat?

2 A We were there for just one day. I believe  
3 they might have been there for two days.

4 Q By "we," who are you referring to?

5 A Shaun and I were there, as well as Vickie.

6 Q Did Vickie stay longer?

7 A No.

8 Q Do you speak with the RESAs in your role  
9 as state director?

10 A Only rarely. I do send out a Friday email  
11 blast that's our once a week, try to limit it once a  
12 week, communication and try to cover everything in  
13 it that we need to announce or emphasize or stress  
14 or deadlines.

15 The RESA directors are all copied on that  
16 because most RESA directors are fiscal agents for  
17 the GLRS. And some are fiscal agents for GNETS  
18 programs, too.

19 Q Who else receives this weekly blast?

20 A All of our directors, our other special ed  
21 leadership that are listed in the -- as you said,  
22 the GaDOE portal. So their school district, each  
23 district has a security officer to decide who can be  
24 assigned rights as a special ed director or the  
25 transportation director, or whatever the role is.

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1           So if the district has assigned them  
2           officially through that, the portal, then they're  
3           going to pick up and be on the listserv, because I  
4           don't control that listserv. That's whatever it  
5           populates.

6           So larger districts may have six people  
7           they listed as director but really only one is  
8           director and others are their key leadership in the  
9           district.

10           So it also goes to all GNETS directors.  
11           It goes to all GLRS directors. It goes to my staff.

12           It is distributed to Parent to Parent of  
13           Georgia; to the chair of our State Advisory Panel;  
14           some internal folks within the Department of  
15           Education, like the deputy superintendent of  
16           curriculum; the associate superintendent of Office  
17           of Whole Child. They have requested to be added to  
18           that.

19           It's four or five hundred people each  
20           week. I'm sometimes surprised that it circulates  
21           beyond that, but it's posted on our website, too.  
22           So it's very transparent.

23           Q       Thank you.

24                    Back to the RESAs, have you communicated  
25           with the RESAs about the GNETS program as state

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1 director?

2 A No.

3 Q As interim state director?

4 A No.

5 Q Have you worked directly with anyone in  
6 Governor Kemp's office?

7 A No.

8 Q Have you had conversations with anyone in  
9 Governor Kemp's office about the GNETS program?

10 A I don't think I have. I have been  
11 contacted by the Governor's Office a few times about  
12 different issues, primarily related to some of the  
13 funding that came because of the pandemic and, you  
14 know, distributing it for like teacher supplies and  
15 things.

16 Q Has Governor Kemp's office reached out to  
17 you related to the GNETS program?

18 A No.

19 Q Do you coordinate with DBHDD?

20 A Yes.

21 Q In what ways?

22 A I just had a meeting with DBHDD less than  
23 a month ago, also with Office of Whole Child,  
24 talking about our relationship and how we  
25 collaborate.

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1 Q Do you coordinate with DBHDD regarding the  
2 GNETS program?

3 A It was briefly brought up in the meeting  
4 that we held just a few weeks ago, but, you know,  
5 they certainly provide some support but I haven't  
6 been involved in those conversations.

7 Q What was raised in the meeting a few weeks  
8 ago?

9 MR. BEDARD: Objection.

10 I'll just say again if it was about the  
11 litigation, I'll instruct you not to answer.  
12 Otherwise, you're fine.

13 A It was just an overview of all their  
14 various services and aspects and trying to make sure  
15 that the education agency and DBHDD were on the same  
16 page, that we each update on what we're doing.

17 It was not focused solely on GNETS at all.  
18 It was a passing comment that was made, is all.

19 Q What was the passing comment?

20 A I don't remember exactly. Just that's the  
21 subject for another day or something like that. It  
22 was --

23 Q GNETS is a subject for another day?

24 A I think that's -- I mean, again, that may  
25 not be the direct quote but something to that

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1 effect.

2 So nothing specific. It was just -- it  
3 wasn't said by me. It was said by -- I've lost his  
4 name now. He's the director of the division that  
5 primarily supports our kids.

6 It will come to me.

7 Q Is he within GaDOE or DBHDD?

8 A No. DBHDD.

9 Q Who all attended that meeting?

10 A Dante McKay.

11 He had three or four people with him from  
12 DBHDD, and they were really very sharp and excited  
13 about work and the resources that they had.

14 And then there were three, four, maybe  
15 five people from Office of Whole Child. The  
16 associate superintendent, Justin Hill, was there and  
17 part of his team.

18 They really were the ones that had the  
19 meeting scheduled together, and they invited me  
20 because DBHDD asked for Special Education to be  
21 there, too.

22 Q Was Vickie Cleveland there?

23 A No. She wasn't invited to the meeting.

24 It was not focused on GNETS. It was just in whole  
25 how we collaborate.

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1 Q And a moment ago you said Dante McKay. I  
2 just want to confirm, you were attributing that  
3 statement, passing comment about GNETS?

4 A He's director of whichever division in --  
5 and I'd have to honestly look to know the actual  
6 division but Dante is who we communicate with if I  
7 were going to talk director to director.

8 Q And he's the one that made the passing  
9 comment?

10 A Yes.

11 Q Okay.

12 A It was not disrespectful. It was quite  
13 respectful.

14 Q Yes. I just wanted to confirm for the  
15 record, because the name came separately from the  
16 conversation.

17 Do you coordinate with DCH?

18 A Yes. More indirectly than directly.

19 Q What do you mean by that?

20 A Babies Can't Wait, the preschool arm  
21 before we pick up preschoolers.

22 We hold a grant about teacher retention  
23 and provider retention, and so we collaborate on  
24 that constantly.

25 Q Do you coordinate with DCH regarding the

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1 GNETS program?

2 A I don't recall discussing that.

3 Q Have you communicated with them regarding  
4 the GNETS program?

5 A Not that I recall.

6 Q Are there other agencies in Georgia that  
7 you coordinate with?

8 A Georgia Voc Rehab. Family Connections  
9 some, but not as much as in the past.

10 I mentioned Parent to Parent of Georgia.

11 Our parent training and information  
12 center, we collaborate with them.

13 The inclusive for secondary programs,  
14 which are University of Georgia, you know, East  
15 Georgia, Georgia Southern, Columbus State. There  
16 are eight or nine currently in the state, and meet  
17 with them regularly.

18 I'm on the State Rehab Council, of course  
19 the State Advisory Panel for Special Education, and  
20 there are agency representatives at the table for  
21 that. Department of Corrections, Juvenile Justice,  
22 GVRA, somebody from Babies Can't Wait.

23 I'm sure I'm leaving out a few, but that's  
24 a monthly-type meeting.

25 Q So for Georgia Vocational Rehab Agency, do

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1 you speak with them regarding the GNETS program?

2 A I have.

3 Q In what way? Or about what?

4 A In two previous roles. As program  
5 specialist I focused on transition and  
6 post-secondary outcomes, and I was the contact with  
7 GVRA. So this is from 2015, 2017.

8 One of my concerns was that I wanted to  
9 make sure that the students at GNETS had equal  
10 access to GVRA.

11 Q Were you able to accomplish that?

12 A It's much improved.

13 Q Have you coordinated with GVRA related to  
14 the provision of mental or behavioral health support  
15 to students in the State of Georgia?

16 A That's not really their role. I have had  
17 conversations with them along those lines, to ensure  
18 that they are open to providing support to our  
19 students. I don't know their rules like they know  
20 their rules, but they're somewhere along that line  
21 of communication that that might be an exclusionary  
22 factor, and I'm trying to explain that the kids are  
23 multifaceted and may have diagnoses but that doesn't  
24 mean that's -- would be preventing them from being  
25 able to work directly with the students and their

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1 families.

2 Q Also you mentioned Family Connections as  
3 well?

4 A Yes.

5 Q Have you coordinated with Family  
6 Connections regarding the GNETS program?

7 A At a local level more than at the State  
8 level.

9 Q Can you elaborate?

10 A Family Connections was very active in the  
11 area that, you know, I was a local director for 17  
12 years, almost 17 years. You know, they equally  
13 provided support to GNETS programming, as they did  
14 -- they were our children. So that was just a  
15 continuum.

16 Q What about Parent to Parent of Georgia,  
17 have you communicated with Parent to Parent of  
18 Georgia regarding the GNETS program?

19 A I communicate with Parent to Parent of  
20 Georgia. I have made a priority to increase  
21 communications and have scheduled regular monthly  
22 meetings with them in an effort to make sure that we  
23 stay on track together, and that they tell us if  
24 there are things they've got patterns about or not.

25 I don't remember a specific comment about

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1 GNETS, but in these monthly meetings the two leaders  
2 from Parent to Parent I meet with, they would tell  
3 me if they were seeing a surge of phone calls or  
4 something like that, just as they would about any  
5 topic.

6 Q How --

7 A But I don't recall anything specific  
8 having been discussed.

9 Q Have they mentioned a surge of phone calls  
10 related to the GNETS program?

11 A No. That was simply an example. That's  
12 all.

13 Q Yes, ma'am.

14 Do you coordinate with Parent to Parent  
15 regarding the provision of mental or behavioral  
16 health supports to students in the State of Georgia?

17 A We have not discussed that, not to say it  
18 might not come up, but it's a very open dialogue,  
19 but I don't recall that.

20 Q You also mentioned the inclusive  
21 post-secondary programs?

22 A Uh-hum. (Affirmative.)

23 Q Have you communicated with the inclusive  
24 post-secondary programs related to the GNETS  
25 program?

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1           A     I don't recall any discussion that we've  
2     had about that. You know, I've been actively  
3     involved with the IPSE programs for years, since I  
4     became a program specialist in special ed. That's  
5     not really the population of students that the  
6     inclusive post-secondary serves because they're  
7     primarily focused on intellectual disabilities.

8                     But I -- I'm sure they would be open to  
9     any student that applies and meets their criteria,  
10    but it has not been brought up by GNETS.

11           Q     Have you communicated with the State Rehab  
12    Council during your meetings regarding the GNETS  
13    program?

14           A     I don't recall GNETS ever being mentioned  
15    at a State Rehab Council meeting.

16           Q     Ms. Low, what is the Georgia General  
17    Assembly?

18           A     It's our state body that -- you know, the  
19    elected officials that are representatives and  
20    senators and they make laws and appropriate funds  
21    and things like that.

22           Q     Your state legislature?

23           A     Yes.

24           Q     Do you coordinate with the Georgia General  
25    Assembly as state director?

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1 A I haven't been asked to, no.

2 Q Ms. Low, earlier you mentioned the State  
3 Board of Education, correct?

4 A Yes.

5 Q Have you participated in meetings with the  
6 Georgia State Board of Education?

7 A I have attended.

8 Q How many, about?

9 A Less than 12.

10 Q When you have attended meetings with the  
11 Georgia State Board of Education, has the GNETS  
12 program been discussed?

13 A No. Not that I recall.

14 Q Have you received requests for information  
15 from the State Board of Education related to the  
16 GNETS program?

17 A I haven't received requests.

18 Q Are you aware of others at GaDOE receiving  
19 requests from the Georgia State Board of Education?

20 A I'm not aware. Not to say that they  
21 haven't, but I'm not aware.

22 Q I understand.

23 MS. TUCKER: I'd like the court reporter  
24 to mark the following document as Plaintiff's  
25 Exhibit 931.

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1 (WHEREUPON, Plaintiff's Exhibit-931 was  
2 marked for identification.)

3 BY MS. TUCKER:

4 Q This is a September 8, 2021 email produced  
5 by the State from you to Jaquenetta Dugger. There  
6 is no subject but there are three attachments.

7 The Bates number on the bottom of the  
8 first page reads GA03671090.

9 Ms. Low, do you recognize the email?

10 A It looks like I sent it. To be honest, I  
11 don't know what ARP means, so I'll have to read the  
12 context of it to refresh my memory.

13 Q Yes, ma'am. Do you have a reason to doubt  
14 that you sent this email?

15 A No.

16 Q Who is Jaquenetta Dugger?

17 A She was the deputy superintendent's  
18 administrative assistant. She's no longer with us.

19 Q So she was Shaun's administrative  
20 assistant?

21 A Yes.

22 Q And you see where you wrote: "Please find  
23 attached the GNETS ARP board item"?

24 A I do.

25 Q Do you want to take a moment to review the

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1 attachments?

2 A Sure.

3 (Witness reviews exhibit.)

4 A Okay, I'm back.

5 Q And what was meant by the GNETS ARP board  
6 item?

7 A It's American Rescue Plan funds that we  
8 received as -- during the pandemic, and it of course  
9 came to the Department of Education, and we made a  
10 request to receive funding for therapeutic services  
11 to enhance the therapeutic services in the GNETS  
12 program, and Vickie wrote the request. It's a very  
13 short request describing how we would use it.

14 She did consult with me about that. That  
15 was prior to my role as interim.

16 It looks like this was the 8th of  
17 September. So I assumed the role on the 7th, but I  
18 was trying to determine why did I send that? But I  
19 guess I was in the interim role officially.

20 And it was 1.5 million.

21 Q Okay. Let's go back to the email. We can  
22 take it piece by piece.

23 You write that "the talking points are  
24 included but should not be posted."

25 Do you see that?

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1 A I do.

2 Q Posted where?

3 A Posted on Simbli, the e-board platform.

4 Q The eBoard -- so electronic platform for  
5 the State Board of Education?

6 A Uh-hum. (Affirmative.)

7 Q It's called Simbli?

8 A Simbli. S-I-M-B-L-I, I believe.

9 Q Why should the talking points not be  
10 posted?

11 A Talking points are simple something that  
12 Shaun asked for, our federal program manager --  
13 Federal Programs deputy superintendent. She wants  
14 us to write a brief talking points so that if she's  
15 presenting the item that she can refresh her memory  
16 prior to that.

17 Any item that we're bringing forward to  
18 the Board, Shaun's been in the discussion, Shaun and  
19 John now. So it's not that she doesn't know about  
20 it, it's just mainly for her -- a refresher, but we  
21 don't post the talking points because that's not one  
22 of the required documents. It's not that we  
23 wouldn't mind anybody seeing the talking points, but  
24 it's just a Shaun request.

25 Q Not practice?

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1 A Not practice for anybody else, yeah.

2 Q Earlier you said that Vickie Cleveland was  
3 interested in this to enhance therapeutic services  
4 in the GNETS program?

5 A Yes.

6 Q And why was that?

7 MR. BEDARD: Object to form.

8 You can answer.

9 THE WITNESS: I can answer.

10 MR. BEDARD: Uh-hum. (Affirmative.)

11 A Therapeutics are very important. There  
12 always seems like the more funding you can use, the  
13 more therapeutics would be welcomed.

14 And of course this is designated for that  
15 use, and it's not a narrow scope but it is a  
16 specific scope of work that the GNETS could choose  
17 to work with them.

18 Q This is not a narrow scope but it's a  
19 specific scope of work the GNETS could choose to  
20 work?

21 A It could be a licensed social worker,  
22 extra psychologist, extra counselors, psychiatric  
23 consultation.

24 That's what I mean. It is broad, but yet  
25 it falls within the narrow scope of therapeutic

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1 services. So they can't go buy playground equipment  
2 or something like that.

3 Q Let's go to the first attachment, which is  
4 the Bates number on the bottom reads GA03671091.

5 Do you recognize this document?

6 A Uh-hum. (Affirmative.)

7 It's our Board template for grants.

8 Q So it's a recommendation to the State  
9 Board to approve a grant?

10 A Yes. I mean we would recommend this  
11 action technically to the superintendent, and then  
12 he would decide if it would move forward to the  
13 Board.

14 Q Would this document go to the  
15 superintendent?

16 A He would have access to it. I do not  
17 believe that -- I mean Superintendent Woods would  
18 have other people reviewing this prior to that, but  
19 I'm sure he looks at it prior to establishing the  
20 agenda.

21 Q And --

22 A I'm not really involved in that level of  
23 work.

24 Q Yes, ma'am.

25 So in bringing this to the State Board,

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1 Superintendent Woods has already approved it?

2 A Again, my work at the local level was we  
3 could recommend to a superintendent, the  
4 superintendent could take it to the Board. I don't  
5 know that's the way that it works at the State  
6 level, but I'm not sure.

7 Q Okay.

8 A You know, you have the cabinet review  
9 process, and that responsibility may have been  
10 designated at the cabinet level. I don't know.

11 Q So would it be fair to say someone in  
12 GaDOE's cabinet approved this before it goes to the  
13 State Board?

14 A Oh, absolutely. Maybe even multiple  
15 reviews.

16 Q Thank you.  
17 And this was a grant not to exceed 1.5  
18 million?

19 A For the year.

20 Q And was this grant awarded?

21 A Yes.

22 Q At what amount?

23 A I was trying to remember the total. It  
24 was for three years and I think that it's \$1.5 per  
25 year. But I probably need to look at the talking

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1 points myself.

2 Q So if this was 2021, this is still an  
3 active grant?

4 A Yes, it is active.

5 Q And are the amounts distributed equally  
6 among the 24 regional GNETS programs?

7 A 62,000 each.

8 Q A year?

9 A Yes. For the length of this award.

10 Q And what led GaDOE to create this award?

11 MR. BEDARD: Object to form.

12 A It's just a part of the American Rescue  
13 Plan funds, and the leadership would determine where  
14 that funding was used, but there was -- I don't know  
15 the dollar amount but there was an opportunity for  
16 us to reach out to the manager handling that and to  
17 submit some recommendations and requests, and that's  
18 how this came about.

19 Q And one of the recommendations was  
20 therapeutic services for GNETS?

21 A Uh-hum, for students with disabilities.

22 Q But this one was specific to GNETS?

23 A It was.

24 Q Can you look to Page 2. Do you see under  
25 -- do you see a box that reads "Performance" at the

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1 top?

2 A Uh-hum. Yes.

3 Q And do you see it says, "Describe how the  
4 grant will be monitored to ensure satisfactory  
5 performance"?

6 A Yes.

7 Q So it appears that the regional GNETS  
8 program submits grant performance reports to address  
9 performance metrics; is that correct?

10 A When Vickie and Lakesha meet with each  
11 GNETS program annually, that's when they look to  
12 talk about the performance of this.

13 Q So when it states, "The GNETS will submit  
14 final grant performance reports," do you see that?

15 A Uh-hum. Yes. I think it's all embedded  
16 when they're doing their strategic plan.

17 Q What's a strategic plan?

18 A It's just simple a written plan to discuss  
19 what their priorities were and areas of focus. Of  
20 course, with database decision-making.

21 Q And it's submitted by each regional GNETS  
22 program?

23 A To the program manager.

24 Q To Vickie Cleveland?

25 A It's -- yes.

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1 Q And that's annual?

2 A Yes.

3 Q So Vickie Cleveland and Lakesha Stevenson  
4 review the final grant performance report that's  
5 embedded in the strategic plan?

6 A How they're using the funds, what they  
7 actually did with the funds, what specific services  
8 may be provided.

9 Q And then let's look to the talking points,  
10 which start on GA03671093.

11 Do you see those?

12 A Yes.

13 Q Do you recognize these talking points?

14 A I do.

15 Q And these are the talking points referred  
16 to in your first email?

17 A Yes.

18 Q And did you draft them?

19 A Probably. I don't remember specifically  
20 but probably I did.

21 Q Let's look at the first paragraph. Do you  
22 see where it reads, quote: "GNETS programs provide  
23 therapeutic counseling services to children  
24 identified with significant mental and behavioral"  
25 -- "mental health," excuse me, "and behavioral

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1 needs."

2 Do you see that?

3 A Yes, I do.

4 Q Do you agree with that statement?

5 A It could vary by location.

6 Q What would vary?

7 A The available services.

8 Q Are you talking about the available  
9 therapeutic services?

10 A Yes.

11 Q Do all regional GNETS programs provide  
12 therapeutic counseling services to their students?

13 A I'd have to answer that by that's the  
14 expectation. I don't have the data in front of me  
15 to confirm that.

16 Q Is that something that the GNETS program  
17 manager looks at in the strategic plan?

18 A It is something that she collects, and we  
19 have reviewed that together, but I don't recall the  
20 exact specifics but we have.

21 Q Do you see in the next sentence, quote:  
22 "The requested funding will provide clinical staff  
23 for all 24 GNETS programs to support the therapeutic  
24 and behavioral needs of students receiving GNETS  
25 services"?

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1 A I do.

2 Q And do you see -- let's look at the third  
3 paragraph, starting with "The project goal is to  
4 provide clinical staff in (i.e., psychologists,  
5 social worker, BCBA, etc) for each GNETS to  
6 implement evidence-based behavioral interventions."

7 Do you see that?

8 A Yes, I do.

9 Q Has this happened?

10 A I think in most of the recipients that it  
11 has. They've been able to locate especially  
12 contract staff to come in and support that. I can't  
13 verify to you that absolutely everyone was able to  
14 do that, but we will have that information at some  
15 point.

16 Q When would you have that information?

17 A I'm sure Vickie already has that for the  
18 first year.

19 Q Have you discussed first year results with  
20 Vickie Cleveland?

21 A I don't recall seeing the written report.  
22 Verbally we have. There were a few locations that  
23 were unable to locate these providers due to rural  
24 areas, and that's something that of course we want  
25 to help support them in that if there's any

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1 possibility of some shared services or other  
2 contract options.

3 Q Which regional GNETS programs are those?

4 A I don't recall.

5 Q But GaDOE is going to assist in shared  
6 services?

7 A We talked with them about that. We don't  
8 have services to send to them, but in giving them  
9 the idea about contacting people and the area that  
10 might be able to share a provider, and it's nothing  
11 sure. It would just be if they might reach out.

12 Q Do you see in the next sentence where you  
13 write: "It is critical that students receive  
14 systemic therapeutic supports for reintegration to  
15 their home schools."

16 A I do.

17 Q Why is reintegration, quote, "critical"?

18 A Because that's what we want to do. We  
19 want to support them to help the needs, the crisis  
20 they may be in, that require these services, and to  
21 return them back to their regular classroom and with  
22 their peers and nondisabled peers, and all the  
23 things.

24 That is what our desire is for every  
25 student.

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1 Q Has GaDOE monitored reintegration of GNETS  
2 students back to their home schools?

3 A We have.

4 MR. BEDARD: Object to form.

5 Q How have you done that?

6 A With data.

7 Q And when is that data submitted?

8 A I don't know the particular date when that  
9 data is submitted but it's something that the  
10 program manager collects.

11 Q Is that part of the strategic plan or  
12 separate?

13 A I don't really know.

14 Q Have you seen that data?

15 A I've discussed that data. I don't know  
16 that I have seen that data, but I have had reports  
17 about it.

18 Q And what have you discussed regarding that  
19 data?

20 A Well, the reintegration rate is not what  
21 we would like it to be.

22 Q And what do you mean by that?

23 A There are not as many students returning  
24 back to their home setting as we would like to see.

25 Q Is GaDOE taking any steps to address that?

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1           A     Yes, we are. I mean, for example, this  
2     grant award is one of those things.

3           Q     What other steps?

4           A     Encouragement and professional learning.  
5     Those kinds of steps.

6           Q     Thank you.

7           A     Other professional learning to give them  
8     the skill.

9           Q     When we first started talking about this  
10    grant, you mentioned that therapeutic services are  
11    important. Why is that?

12          A     Well, if the child has a severe enough  
13    issue, concern, and it should be an emotional and  
14    behavioral basis for GNETS services that are found  
15    in Georgia, then there has to be value to bring to  
16    the program that would be different than what  
17    they're receiving otherwise. And therapeutic  
18    services in the variety of settings designed for  
19    their specific need would be part of the process to  
20    serve them, to -- a treatment plan.

21          Q     Thank you.

22                   What specific data do you look for for the  
23    purposes of monitoring reintegration of GNETS  
24    students to their home schools?

25          A     How many students return to their home

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1 school or how many segments a day they returned, and  
2 those types of things.

3 Q How many segments are there in a day?

4 A Well, defined by our state reporting, it's  
5 six segments in a day, but that doesn't mean some  
6 people have seven segments or eight, or a 4-by-4  
7 block.

8 But for Georgia's FTE reporting, whatever  
9 schedule they run gets translated into six segments  
10 a day for reporting and funding.

11 Q And is this annually submitted?

12 A No. It's submitted twice a year, in  
13 October and in March.

14 Q And does the GNETS program manager review  
15 that with you twice a year?

16 A No, not necessarily, not that data.

17 Q Does she provide feedback to the regional  
18 GNETS program about the data?

19 A About the submission of their FTE data?

20 Q About what she's seeing. Yeah, like the  
21 substance, not whether they --

22 A I think she mainly reviews the student  
23 record, which is the June submission that is  
24 cumulative for the whole year, anybody that has come  
25 in or out.

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1 And the FTE reporting is more of a  
2 snapshot of moment in time. That's who's in your  
3 building and has been served in the prior 10 days.

4 Q Okay.

5 A But the GNETS don't report this  
6 themselves; they go back to the LEA for reporting.

7 Q Okay. Thank you.

8 What other items have you addressed with  
9 the State Board of Education?

10 MR. BEDARD: Object to form.

11 A About GNETS?

12 Q We can start with GNETS, yeah.

13 A This therapeutic grant is one of the items  
14 that's gone before them.

15 I mean I interact with Board items every  
16 month, but it's just on a variety of topics.

17 Q Are there other ones related to GNETS that  
18 you recall right now?

19 A No. I have a capacity building grant  
20 opportunity that's been released, and GNETS can  
21 apply for that, as well as LEAs. And that's just in  
22 a way, just like it sounds, capacity building, if  
23 they have a request. That has not been awarded yet  
24 but it is presently posted.

25 Most of our items are more holistic for

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1 everybody, so not GNETS specific.

2 Q And when did that capacity building grant,  
3 when did that come out?

4 A Friday, last Friday.

5 Q So very recent?

6 A Very.

7 MS. TUCKER: I think now is potentially a  
8 good time to break.

9 We'll go off the record.

10 THE VIDEOGRAPHER: Going Off the record at  
11 12:36.

12 (A recess was taken.)

13 THE VIDEOGRAPHER: We're back on the  
14 record at 1:32.

15 BY MS. TUCKER:

16 Q Welcome back, Ms. Low.

17 I wanted to follow up on two items we  
18 discussed prior to lunch.

19 First is earlier you said there was a  
20 lower than desirable rate of student reintegration  
21 from the GNETS program back to their home schools?

22 A I do.

23 Q Have you identified the reasons for the  
24 lower than desirable rate for reintegration?

25 A Not at this point. I mean clearly this

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1 has been something I've been aware of as a local  
2 director as well. There are several things that I  
3 feel that we can do to increase that, but number one  
4 is offering a full continuum in all of our schools,  
5 but, no, that's just something that we always want  
6 to change.

7 Q And you just said that there's several  
8 things that you could do to increase the  
9 reintegration rate, that GaDOE could do. What would  
10 those be?

11 MR. BEDARD: Object to form.

12 A I don't know that it's the Georgia  
13 Department of Education, but local agencies, you  
14 know, run their programs and make these changes, but  
15 certainly as a department we will continue to  
16 reinforce the expectations and try to provide  
17 supports in place. Preventive measures, especially.

18 Q What type of preventative measures?

19 A Additional professional learning in  
20 behavior management, functional behavior assessment,  
21 behavior intervention plans. Those types of things.  
22 The whole array.

23 Q Thank you. And I asked if you had  
24 identified the reasons for the lower than desirable  
25 rates for student reintegration and you said not

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1 yet. Has anyone else at GaDOE started working on  
2 this?

3 A It's something we've all worked on for  
4 years, but we haven't solved it yet.

5 Q Is Vickie Cleveland currently working on  
6 this?

7 A Of course. I mean this is part of  
8 everyone's work, is we want children to return to  
9 their home setting.

10 Q You said that the No. 1 thing is offering  
11 a full continuum in all of your schools. What did  
12 you mean by a full continuum?

13 A A full continuum of services is what law  
14 identifies now. Larger districts can have -- you  
15 know, grouped together for specific programs, but I  
16 think we need to ensure that we are taking all those  
17 steps first.

18 Q What do you mean, what steps first?

19 A An example might be if you have a student  
20 with very intense behaviors, what have you done in  
21 your own school to try to support the student and to  
22 maintain safety, too. It could be a very, very  
23 small class setting or even one student and a  
24 teacher or para. But what are we doing in the  
25 regular full continuum of services first. It's

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1 easier to integrate -- reintegrate that way.

2 Q So prior to GNETS placement?

3 A Yes.

4 Q And is there not a full continuum of  
5 services at all schools?

6 A I hope that there is. That is my message,  
7 something that I talk about with directors, I've  
8 talked about in two keynote speeches that I've given  
9 for GK's, with 500 special ed leaders present.

10 So it's -- I think with so much emphasis  
11 on inclusive services, which is also extremely  
12 important to do, that we don't need to forget that  
13 we also may need very intense services.

14 Q What do you mean by inclusive services?

15 A Children included in the classroom, which  
16 is what we all want. That's the place that you  
17 start, how can we bring services in there.

18 But that doesn't mean that we still don't  
19 have the full continuum of options.

20 Q Do you see the full continuum of options  
21 at GNETS' sites?

22 MR. BEDARD: Object to form.

23 A That's hard to say. I would be worried  
24 about it.

25 Q Can you elaborate why you're worried about

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1 it?

2 A Well, you don't have nondisabled students  
3 in center-based, certainly. So that would be hard  
4 to create an inclusive setting.

5 In a school-based program you may be able  
6 to do that.

7 Q Do you see school-based programs doing  
8 that?

9 A Yes, some.

10 Q And some have not?

11 A I don't know the specifics.

12 Q Earlier we also talked about the Dispute  
13 Resolution process.

14 A Yes.

15 Q And you identified there was a letter that  
16 GaDOE issued after the Dispute Resolution process  
17 comes to an end. Do you recall that?

18 A Resolution letter.

19 Q What is the purpose of the resolution  
20 letter?

21 A It's to identify --

22 MR. BEDARD: Object to form.

23 Sorry. Go ahead.

24 A It's to recap what the complaint was  
25 about, what the complainant said, what the school

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1 said, what the investigator found. And we go  
2 through the whole laundry list. Sometimes our  
3 resolution letters are very, very long.

4 And then we come to a conclusion about  
5 each allegation and state whether it was in  
6 compliance or wasn't in compliance. And then of  
7 course we have recommendations for things that have  
8 to occur to have corrective action.

9 Q And those are GaDOE's findings and GaDOE's  
10 recommendations and corrective actions?

11 A Yes, in the formal complaint process.

12 Q Thank you.

13 When did you first become familiar with  
14 the GNETS program?

15 A I would say when I was an educational  
16 diagnostician in Carroll County schools.

17 Q And when was that again, approximately?

18 A January, February '90 till -- through June  
19 30th of 1997.

20 Q Please describe the GNETS program for me.

21 A The GNETS program as the State network or  
22 --

23 Q Yes, the State network?

24 A It is on the continuum of services. It's  
25 a shared services, regionally-based program, which

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1 could be center-based or school-based, for children  
2 with emotional/behavioral disorders.

3 We used to call it severe emotional  
4 behavioral disorders, but it's really intended for  
5 having an emotional basis, not just a behavioral  
6 basis.

7 You know, a professor at the University of  
8 Georgia started the concept. It was a half-day  
9 program for a long, long time. Services came to the  
10 student. And consulted with staff and over time it  
11 evolved.

12 When I first knew the program, it was  
13 already some separate centers and some school-based  
14 programs. It's for children with very intense  
15 behavior. Very, very intense emotional concerns,  
16 and sometimes they do of course have outward  
17 behaviors, too.

18 That's the intent. And of course if they  
19 could receive therapeutic services and even  
20 psychiatric consultation, things like that, and then  
21 return to their home school setting.

22 It wasn't intended to be a place to stay  
23 forever.

24 Q Do you see students spending their  
25 academic careers in GNETS?

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1           A     I don't have specifics on that, but I have  
2     known of some students that stayed the rest of their  
3     academic career. A lot of times parents have  
4     requested that as well.

5           Q     Does that concern you?

6                     MR. BEDARD: Object to form.

7           A     It does concern me that the parents are  
8     frustrated, too. And it's less likely they receive  
9     so many phone calls, but, you know, that's more  
10    anecdotal.

11          Q     Does it concern you that some students  
12    have stayed in GNETS for their entire academic  
13    career?

14          A     It always concerns me, but if it's the  
15    right individual decision for the student and that's  
16    where they can meet their goals, then it may be the  
17    right place to be and to stay.

18                    You know, I can't second-guess an IEP  
19    decision when you have the people that are the  
20    stakeholders and required members of that.

21          Q     A moment ago you said that GNETS was for  
22    children with emotional and behavioral disorders.  
23    You said it used to be severe but that's --

24          A     That's just a term we used to use. We  
25    used to say SEBD, but that was dropped a number of

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1 years ago.

2 Q By Georgia or --

3 A Just Georgia.

4 Q And when was that change?

5 A I don't remember the exact date. I mean I  
6 was still a local director when that change came  
7 about.

8 Q It was before you went to GaDOE?

9 A Yes.

10 Q You described the GNETS program, but what  
11 purpose does it serve?

12 MR. BEDARD: Object to form.

13 A It's a full continuum to meet the needs of  
14 all students, and those with the most severe  
15 emotional/behavioral difficulties should have a  
16 therapeutic option.

17 Q What is your basis for that understanding?

18 A What is my basis for that understanding?  
19 That's the stated purpose of the program. Plus that  
20 is the population that they're really geared to  
21 serve.

22 Q Has your understanding of the GNETS  
23 program changed since working at GaDOE?

24 A No.

25 Q And does the GNETS program target a

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1 particular student population based on disability  
2 eligibility?

3 MR. BEDARD: Object to form.

4 A No, not necessarily. Some children have  
5 other disability areas, some other health  
6 impairment.

7 There are a number of children that are  
8 identified as autistic now. That's a more recent  
9 development, in the last 15 years, I would say.  
10 It's much more frequently diagnosed now than it was  
11 20 years ago.

12 Q Are you speaking about autism?

13 A Autism.

14 Q What is the target student population?

15 MR. BEDARD: Object to form.

16 A It started out to be emotional behavioral.

17 Q How does GNETS serve these students?

18 MR. BEDARD: Object to form.

19 A I'm not exactly sure of what you are  
20 asking.

21 Q Sure. I'm curious how GNETS works with  
22 the students that attend, that it serves, to assist  
23 them? What does GNETS do?

24 A If they are a full-day placement?

25 Q Sure, we'll start with full day.

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1           A     It could vary by each center what they do,  
2     but they're going to provide for their academic as  
3     well as their emotional/behavioral needs. And  
4     that's talking about something that is a fully  
5     self-contained-type program. There are many  
6     variations in between.

7           Q     Does GaDOE review both the academic and  
8     behavioral services provided by GNETS?

9           A     The data from it, the outcome data?

10          Q     Uh-hum. (Affirmative.)

11          A     Yes, we do. But, again, the data is  
12     reported back to the home school system. So you  
13     have to disaggregate by students that are served  
14     through GNETS.

15          Q     What services and supports does the GNETS  
16     program offer?

17          A     They are supposed to provide therapeutic  
18     services that would be identified through the IEP  
19     process that they may need. It could be counseling.  
20     It could be what a lot of them call a treatment  
21     team. It could be working with a psychologist,  
22     behavior management, BCBAs, social workers. It  
23     could even be nursing that is a supportive  
24     therapeutic type of service.

25                 But all the while also making sure that

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1 they cover their grade level content.

2 Q Do all regional GNETS programs cover their  
3 grade level content?

4 A To my knowledge.

5 Q To your knowledge?

6 A To my knowledge, but I don't supervise or  
7 run the GNETS programs. Those are all local  
8 regional and LEA decisions, but that's what they are  
9 supposed to do.

10 Q Do all regional GNETS programs offer the  
11 therapeutic services you identified a moment ago?

12 A I believe they all offer some form. Some  
13 offer more, some may offer less. And it may depend  
14 on the needs of the student in the program and, you  
15 know, some regions have a harder time locating  
16 providers. And it's just a reality, that's not  
17 necessarily that's what should be, but in some cases  
18 it's a reality.

19 Q What's the basis for your answer related  
20 to services? How do you know this?

21 A Data, as well as observation and  
22 conversations.

23 Q Conversations with whom?

24 A Various providers: LEAs, GNETS directors,  
25 Vickie.

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1 Q And what types of observations?

2 A When I have been a local director? I mean  
3 I visit sites. I go to IEP meetings.

4 Q Have you visited sites as state director?

5 A I have.

6 Q Outside of this litigation?

7 A No.

8 Q Approximately how many students are in the  
9 GNETS program this school year? And by this school  
10 year I mean the 2022-23 school year.

11 A Okay. This is going to be not everybody  
12 that came in or out, because I'm not going to give  
13 you a student record answer. But it's a few  
14 students below 3,000, is what the count looked like.

15 But if you look at it from student record  
16 count, you're going to see thirty two, 3300, but  
17 that's everybody that moved in, moved out throughout  
18 a year.

19 Q And how do you receive this less than  
20 3,000 number?

21 A Through FTE reporting or student record  
22 reporting, and, you know, we have a whole unit.  
23 That's what they do, is data collection reporting.

24 Q How frequently are you looking at this  
25 number for the GNETS program?

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1           A     It depends on what I'm doing, but every  
2     time we have new data, it comes out. Of course, we  
3     have reporting requirements as well to OSEP, so  
4     that's when I see all the data and the various  
5     disaggregated pieces.

6           Q     Is that monthly, every few months?

7           A     No, it's not monthly. It depends on what  
8     we're talking about. It could be a few times a  
9     year, especially based on FTE count.

10                     Student record count will be a third one  
11     in there, and then when we have other data released  
12     -- you know, we don't receive the academic data  
13     until a delay behind. The schools get it before we  
14     do.

15           Q     Is this data maintained on a database that  
16     you can easily access?

17           A     I don't access this, but my program  
18     manager for data and my data managers can.

19           Q     Can Vickie Cleveland access it?

20           A     Vickie would probably have to make a data  
21     request to.

22           Q     What's that database called?

23           A     Just the big network that we have.  
24     Honestly, I could say Student Longitudinal Data  
25     System, and it probably is in there, but I don't

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1 know if it's coming from a separate database on top  
2 of that.

3 Q Has the GNETS student population been  
4 relatively stable during your time at GaDOE?

5 A It's been decreasing.

6 Q What is your understanding of the reason  
7 for the decrease in the GNETS student population?

8 A I think an emphasis on providing a full  
9 continuum, providing the therapeutic services,  
10 preventative services at the LEA level. All those  
11 things come together, being very, very careful about  
12 placement. You know, additional professional  
13 learning, professional guidance about students that  
14 may need this service.

15 Q And then what is the basis for that  
16 answer? How do you know that to be the case?

17 A I know that's what the actions that we've  
18 taken, and of course watching the numbers fall from  
19 around 6,000 down to just under 3,000. That's a  
20 significant change.

21 Q During your time just as state director,  
22 have you seen a decrease as well?

23 A Nothing appreciable. It dropped maybe two  
24 or three hundred students from one year to the next.

25 Q You mentioned that there was 6,000

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1 students at a time?

2 A At one point, uh-hum.

3 Q Where are the students that were formally  
4 served by GNETS now receiving services?

5 A I can't answer that accurately because  
6 some may have graduated, some may have moved out of  
7 state. You know, all those kinds of things.

8 But they reintegrated into their school  
9 system.

10 Q So you expect that they're continuing to  
11 receive special education services at their home  
12 schools?

13 A I would expect that's the case, but I  
14 don't know.

15 Q Ms. Low, what is your understanding of  
16 least restrictive environment, or LRE?

17 MR. BEDARD: Object to form.

18 Go ahead.

19 A It's the -- it's where the student can  
20 receive the services they need to meet their  
21 established goals in the least restrictive  
22 environment, starting with general ed and working  
23 your way from there.

24 Q So for students that once had their LRE as  
25 GNETS, their LRE changed to their home school in

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1 receiving -- going to general education environment?

2 A Probably didn't --

3 MR. BEDARD: Object to form.

4 A They probably did not go directly from a  
5 GNETS center to all general education, certainly  
6 not. It would be the individual students' least  
7 restrictive environment.

8 My least restrictive environment could be  
9 in a self-contained class with all day services or  
10 four segments a day. But that has to be determined  
11 by the committee, the IEP team, in determining --  
12 again, you want to determine the goals of the  
13 student, and then you start talking about where can  
14 we provide those goals, to meet those goals for the  
15 student, and that's how you work your way into what  
16 their least restrictive environment is.

17 Of course, the option of services always  
18 starts with general ed first. What do they need to  
19 meet their goal, and then it would be, well, what  
20 can we bring into the classroom? Will that meet  
21 their goal? What type of assistive technology could  
22 we provide?

23 Then you would revert to the next level if  
24 necessary, talk through those same things, until you  
25 reach a place that the IEP team felt like that was a

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1 place they could meet their goal and that would be  
2 their least restrictive environment.

3 There's no one place that's the LRE for  
4 everybody.

5 Q Yes, ma'am.

6 A It depends on the child's needs and what  
7 their least restrictive environment is.

8 Q Are you -- are there any school districts  
9 that have stopped participating in the GNETS program  
10 since you've been at GaDOE?

11 A Since I've been at -- well, yes, during  
12 the time I've been at the department, but not  
13 necessarily as director.

14 Q But the time you were at the department?

15 A Yes.

16 Q Which school districts are those?

17 A I don't have a comprehensive list.  
18 Cherokee County is one that comes to mind.

19 Q How do you know this?

20 A Heard it from the director, heard it from  
21 Vickie. Things like that.

22 Q Has Vickie identified other school  
23 districts that have left the program?

24 A There are a few others but I honestly  
25 can't name who they are at this point. Leave it at

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1 that.

2 Q Why have those districts left the GNETS  
3 program?

4 A I'm sure it was a variety of reasons,  
5 which I may or may not know, but they felt like they  
6 could serve their own students.

7 Q In their general education environment?

8 A In their schools.

9 Q In their schools?

10 A In their schools, but then the -- their  
11 least restrictive environment would be determined by  
12 their team.

13 Q Does GaDOE provide any guidance to the  
14 regional GNETS programs?

15 A Some, but we don't run the program. So  
16 that would be a concern that the folks that do run  
17 the program, whether or not they followed the  
18 guidance.

19 Q What type of guidance has GaDOE provided  
20 to the regional GNETS programs?

21 A We provide all kinds of guidance about  
22 things like transition, about academic achievement.  
23 You know, they participate in all the things that we  
24 offer, all the array of services. Low incident  
25 students, assistive technology. Everything that we

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1 do. But we don't mandate. We don't have the  
2 authority to do that.

3 Q Does GaDOE provide any best practices  
4 documents to regional GNETS programs?

5 A Everything we provide for every LEA is  
6 also provided to GNETS. So, yes, we do a lot of  
7 things with best practice.

8 Q How about documents that are guidance  
9 that's specific to the GNETS programs?

10 A We wouldn't look at it that way.

11 Q Is it correct GNETS students are served in  
12 centers and school-based locations?

13 A Yes.

14 Q How many standalone centers are being used  
15 for the 2022-23 school year?

16 A I don't have that number.

17 Q Is that a number you could get?

18 A Yes.

19 Q How?

20 A Vickie and Lakesha have it.

21 Q Is it something that they've advised you  
22 on in the past?

23 A We have discussed it.

24 Q Do you have a ballpark number?

25 A I don't, really. I mean there are pockets

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1 of different regions that have no centers. There  
2 are children all served in school buildings in a  
3 much more inclusive setting, and there's more of  
4 that than not. But there are still some centers.

5 Q Do you know the percentage of students  
6 being served in GNETS centers this school year?

7 A I don't know. Again, we do have that  
8 data.

9 Q Do you know if it's changed during your  
10 time at GaDOE? If it's increased or decreased?

11 A I'm sorry, I don't know.

12 Q Do you know how many school-based  
13 locations are being used this school year?

14 A I don't, but just in one region that comes  
15 to mind every school district has all their classes  
16 in their schools. So it would be multiple, multiple  
17 locations.

18 Q And what region are you referring to?

19 A I'm thinking right now as an example  
20 Northwest.

21 Q Are Vickie and Lakesha tracking this  
22 information as well?

23 A Uh-hum. They do.

24 Q Do students and centers, GNETS centers,  
25 have the opportunity to interact with their

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1 nondisabled peers?

2 A It depends on the center and the location.

3 Q In what ways could they in a center?

4 A Because some centers are located in school  
5 buildings with other programs in them that have  
6 nondisabled peers.

7 You know, certainly school-based  
8 locations, they would interact with nondisabled  
9 peers.

10 Q Right. With the centers, you're saying  
11 some centers are located in buildings with other  
12 programs?

13 A Yes.

14 Q What type of programs?

15 A I know of one specifically that there's an  
16 alternative program in the same building.

17 Q And what do you mean by alternative  
18 program?

19 A I don't know if that particular district  
20 uses it for some true alternatives by choice, or if  
21 it's all disciplinary, but I know that they have an  
22 opportunity to eat lunch together and things like  
23 that.

24 Q So the GNETS students have an opportunity  
25 to eat with the students in the alternative school?

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1           A     But, again, I don't know if it's a choice,  
2     alternate-type education, or if it's all  
3     disciplinary.

4           Q     And how are you aware of that setup?  
5     what's the basis for your awareness?

6           A     I have been told about it.

7           Q     By whom?

8           A     The director.

9           Q     And who is that?

10          A     Pam McKinnon.

11          Q     Which program is that?

12          A     I'm not sure which program it's called,  
13     but that's Glenn County's special ed director.  
14     Because, you know, one is coastal, and one is  
15     coastal something else.

16          Q     Does GaDOE track the opportunities for  
17     students in centers to interact with their  
18     nondisabled peers?

19          A     I don't think we have that data.

20          Q     Do you think this would be helpful  
21     information?

22                     MR. BEDARD: Object to form.

23          A     It would be helpful information. It would  
24     be difficult to find. I mean it would be much more  
25     efficient to go directly to the LEAs to do that or

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1 to the regional program, but...

2 Q Why do you think it would be helpful  
3 information?

4 MR. BEDARD: Object to form.

5 A To make sure that they are having an  
6 opportunity to interact with nondisabled peers. I  
7 mean that's always helpful.

8 Q And why is that helpful?

9 A Because you should be able to do that.  
10 You should see role models that are different.

11 Q Do students in school-based GNETS  
12 locations have opportunities to interact with their  
13 nondisabled peers?

14 A Yes.

15 Q All students?

16 A I don't know about all.

17 Q Has GaDOE provided guidance to the  
18 regional GNETS programs about opportunities for  
19 GNETS students to interact with their nondisabled  
20 peers?

21 A Through Vickie's leadership, as well as  
22 Nakeba, and I will say that both have stressed the  
23 importance of being able to be with their  
24 nondisabled peers and have tried to suggest some  
25 various examples of how that could occur.

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1 Q And how do you know this?

2 A From talking with Vickie and, you know,  
3 hearing what Nakeba had to say when she was leading  
4 it.

5 Q What type of examples did Vickie or Nakeba  
6 provide?

7 A Well, you can talk about co-curricular  
8 activities. You know, outings that you do for work  
9 based learning, for community involvement, things  
10 like that.

11 Of course, encouraging reintegration.  
12 Maybe it's only even a period out of the day, but to  
13 be able to transport the child to be back at the  
14 home school to reintegrate and provide the support  
15 necessary for them to be successful.

16 Q Does GaDOE track how many students are in  
17 GNETS for six daily segments?

18 A We have that data.

19 Q Are there any students in a school-based  
20 GNETS who are with the GNETS program for six daily  
21 segments?

22 A I don't know. We'd have to check the  
23 data.

24 Q The data would be able to tell you?

25 A Yes.

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1 MS. TUCKER: I'd like the court reporter  
2 to mark the following document as Plaintiff's  
3 Exhibit 932.

4 (WHEREUPON, Plaintiff's Exhibit-932 was  
5 marked for identification.)

6 BY MS. TUCKER:

7 Q Ms. Low, this is an October 19, 2021 email  
8 thread produced by the State. The most recent email  
9 in the thread was from you to Linda Castellanos.

10 The subject reads: "Clarification on data request."

11 The Bates number on the bottom of the  
12 first page reads GA03676946.

13 Ms. Low, do you recognize this email  
14 thread?

15 A Looks like, yes.

16 Q Okay. Let's go to the first email on the  
17 thread from Linda Castellanos, was sent October 19,  
18 2021. And what is Linda Castellanos' position when  
19 this email was sent?

20 A She is the Data and GO-IEP program  
21 manager.

22 Q And am I correct she's seeking  
23 clarification from you on a data request that you  
24 made?

25 A Let me read it.

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1 Q Yes, ma'am.

2 A And try to figure out what we were talking  
3 about.

4 Q Take a moment.  
5 (Witness reviews exhibit.)

6 Q You're good.

7 Okay. So going back, am I correct Linda  
8 Castellanos was seeking clarification on a data  
9 request that you made?

10 A Yes.

11 Q Let's look at the email sent from her at  
12 1:20 p.m., so the first email.

13 What was your request?

14 A This was a group out of Georgia State  
15 University and they had -- it was primarily just  
16 Georgia State University professors, but they did  
17 have some outside -- and I don't even. I don't even  
18 know. I didn't serve on that council. I wasn't  
19 involved in it. I got kind of dropped into it as I  
20 assumed the interim role.

21 But this group had been working on trying  
22 to see how many children were served with behavioral  
23 needs and to kind of write a State of the State  
24 Address for kids with behavioral needs, emotional  
25 needs, and how much money we were spending on all of

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1     them.

2                 Well, what I was trying to do here is to  
3     pull anybody that would fit GNETS, or "T," for  
4     emotional/behavioral disorders. And it's a long  
5     story, but the data that they really wanted really  
6     didn't exist in some form or fashion. You know, you  
7     couldn't just divide the total allotment for the  
8     areas and say that was exactly how it came in  
9     either.

10                But that's what it was, trying to respond  
11     to the request to this group.

12                Q     And why was Georgia State University  
13     looking at this?

14                A     They had been commissioned by someone.  
15     Again, I wasn't in any of the discussions other than  
16     I met with two or three professors one time, and  
17     they asked won't this be helpful, and you really --  
18     I didn't think it was really helpful because none of  
19     it was exact. We were having to make estimations  
20     about a lot of it.

21                Q     You said they were commissioned by  
22     someone. Would that be a state entity?

23                A     I don't know. I honestly don't remember  
24     or recall.

25                Q     So looking at your reply, 1:23 p.m., you

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1 want to include all students reported as 4 despite  
2 disability area, and 4 meant GNETS?

3 A Uh-hum. (Affirmative.)

4 Q Then any segment marked as T, which is  
5 EBD --

6 A Yes.

7 Q -- is fine. Okay.

8 So why wasn't this data available?

9 A We do have -- we can tell you everybody  
10 that's a 4 and we can tell you everybody that's a T,  
11 but it was -- the way the request came in to say  
12 then how much did you spend per student was going to  
13 just be sort of swagging it to -- I mean we weren't  
14 going to figure that out, the amount, but all things  
15 are not equal because services vary.

16 Q Have you made other requests to your data  
17 unit related to numbers of GNET students and EBD  
18 students after this?

19 A Vickie typically has made a request and  
20 discussed it with me.

21 Q Is Vickie still communicating with the  
22 Georgia State University folks?

23 A No. That was a project that...

24 Q And are you?

25 A No. I mean I have relationships with

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1 Georgia State faculty but not this group that we're  
2 talking about.

3 Q Do you review data related to academic  
4 outcomes for the GNETS program?

5 A I do.

6 Q What type of data do you review?

7 A We would look at Milestones data.

8 Q What is Milestones?

9 A It's Georgia's academic, you know,  
10 summative measure.

11 Q And how often do you review Milestones  
12 data for the GNETS program?

13 A That's only -- we receive it once a year.  
14 That doesn't mean that we don't use it more often.

15 Q When do you receive it?

16 A Well, this year we didn't receive the  
17 official data from assessment until December, even  
18 though there had been data released to the schools  
19 much earlier than that, as well as some published.

20 But the clean-up data for assessment to  
21 release it to us, that they're sure they have just  
22 the right data, not duplicates, or things like, that  
23 was in December.

24 Q And what story did the most recent data  
25 tell related to Milestones in the GNETS program?

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1           A       I have not looked at the GNETS data for  
2       the Milestones for this year. Our achievement data  
3       is not where we want it to be at all, and that's one  
4       of the reasons for the instructional unit.

5           Q       And is your achievement data where you  
6       want it to be for GNETS program?

7           A       I haven't reviewed that to segregate it  
8       out of this year. When I have in the past, it was  
9       not what I wanted. Of course, we've been through a  
10      pandemic, a lot of challenges over the last three  
11      years.

12                   That's not to be an excuse, that's just to  
13      -- it is.

14          Q       And you think Milestones isn't a helpful  
15      assessment?

16          A       I think it's a helpful assessment. I do.

17          Q       I'm going to show you what was already  
18      introduced as Plaintiff's Exhibit 670.

19                   There's some paper but there's also  
20      something I'll show you on the screen.

21                   MS. TUCKER: I'll just get it.

22                   (WHEREUPON, Plaintiff's Exhibit-670 was  
23      marked for identification.)

24      BY MS. TUCKER:

25          Q       This is a November 14, 2018 email produced

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1 by the State, from Vickie Cleveland to the regional  
2 GNETS directors. The subject of the email reads  
3 2017-18 Milestone data," and there's two  
4 attachments.

5 Before we look at those, let's look at the  
6 email.

7 Do you see where Vickie Cleveland wrote:  
8 "See the attached 2017-18 EOG and EOC milestones  
9 data."

10 A Uh-hum. (Affirmative.)

11 Q What does EOG mean?

12 A End of grade.

13 Q And what does that mean?

14 A That means for our primary students it's  
15 at the end of the grade level, in the late spring.

16 Q Okay.

17 A So it's measuring the standards that were  
18 taught for that year.

19 Q Okay. And then you said for the primary  
20 students. What grades would that be?

21 A That would be three through eight, at the  
22 various levels that they're mandated for assessment.

23 Q And what does EOC mean?

24 A End of class.

25 Q And what does that actually mean?

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1           A       So if I take U.S. History, I'm going to  
2       get an exam at the end of the class, I'm not going  
3       to wait until the end of the year.

4           Q       What grade levels does this --

5           A       High school. Some eighth graders, mainly  
6       possibly some step of seventh graders. If they're  
7       advanced and take high school classes, they also  
8       have to take the assessment, too, even though  
9       they're not a high school student.

10          Q       Have you seen the 2017-18 Milestone data  
11       for the GNETS program?

12          A       Probably have, but 2017-18 is quite a  
13       while ago now.

14          Q       What is the last batch of Milestones data  
15       you've received for the GNETS program?

16          A       I can't specify a particular year. Vickie  
17       typically brings it. We discuss it.

18          Q       Okay. Let's look at the first attachment.  
19       I'm going to show it to you.

20                    You see how it says that it's available  
21       electronically?

22          A       Uh-hum. (Affirmative.)

23          Q       I'm going to show that to you.

24                    And this is the spreadsheet that ends in  
25       336619.

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1 Ms. Low, do you see this spreadsheet?

2 A I do.

3 Q I gave you control, so you are able to  
4 zoom in and move around.

5 You want to try?

6 A I want it to go full screen but it  
7 doesn't. There maybe.

8 Q Is that helpful or are you still --

9 A I think I can navigate. What would you  
10 like for me to --

11 Q Before I get into the questions, I want to  
12 show you on the bottom right corner, you see there's  
13 like a line that says minus and plus 100 percent?

14 A Uh-hum. (Affirmative.)

15 Q You can zoom in that way.

16 A I still don't have it full screen. That  
17 would be helpful.

18 Q Wait one second. We'll see if we can get  
19 that for you.

20 MR. BEDARD: You want to go off the  
21 record?

22 MS. TUCKER: Yes, we can go off the  
23 record. Thank you.

24 THE VIDEOGRAPHER: Going off record at  
25 2:17.

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1 (Discussion ensued off the record.)

2 THE VIDEOGRAPHER: We're back on the  
3 record at 2:22.

4 BY MS. TUCKER:

5 Q Ms. Low, you're looking at this Excel  
6 spreadsheet, correct?

7 A Yes.

8 Q The top says this is the "Milestones End  
9 of Course Assessment Results for High School  
10 Students by GNETS Program"?

11 A Uh-hum. Yes.

12 Q Am I correct that this spreadsheet shows  
13 all of the regional GNETS programs?

14 Do you want me to scroll through? Or you  
15 got it?

16 A I'm trying to go down.

17 Q I see you moving it.

18 A It doesn't have all the GNETS programs.

19 Q I don't know if you started at the top.  
20 I'm happy for you --

21 A There's a whole nother. Then it probably  
22 does.

23 Q I'll let you scroll to the top.

24 You agree that all of the regional GNETS  
25 programs are identified?

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1           A     I do. I'm not sure what they're referring  
2     to with Alpine.

3           Q     And this also shows the number, total  
4     number of students that were tested in a subject  
5     area and their test results and the scores? Would  
6     you agree?

7           A     Let me scroll over to see that.

8                 Yes.

9           Q     And the score labeled as PL3 is  
10    proficient; is that correct?

11          A     That's right.

12          Q     And PL2 and PL1 are below proficient?

13          A     That's right.

14          Q     And PL4 is above proficient?

15          A     Distinguished.

16          Q     Looking at the scores, do you agree that  
17    the significant majority of GNETS students' scores  
18    fall below proficient?

19          A     I'm scrolling through the data.

20          Q     Please.

21          A     Yes, that would be correct.

22          Q     And the majority of these students, GNETS  
23    students' scores, fall under PL1, the lowest score?

24          A     They do.

25          Q     What do you make of these scores?

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1 MR. BEDARD: Object to form.

2 A I'm concerned about it, highly. They're  
3 not acceptable. I'm concerned that the students  
4 certainly have challenges, and their behavior and  
5 emotional state may have interfered with them being  
6 able to attend a class, participate, you know,  
7 however you want to put that.

8 But, you know, it would highly concern me  
9 that this is not what the student wants for  
10 themselves, nor is it what the parent wants.

11 Q Have any steps been taken related to the  
12 low Milestone scores?

13 A Well, part of that with the iReady was to  
14 encourage them to do incremental benchmark  
15 assessments along the way and to be able to monitor  
16 progress, but we don't supervise the academic  
17 program. We don't direct them about that, the  
18 materials. And there would be probably 24 different  
19 approaches at a minimum, probably more than that,  
20 because of the various districts they serve.

21 Q Has Vickie Cleveland raised concerns about  
22 the Milestones data with you?

23 A Oh, yes.

24 Q And what has she said?

25 A That we have to improve the scores.

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1 Q And has -- please.

2 A We're not preparing the students for the  
3 next phase.

4 Q Has Vickie Cleveland suggested other steps  
5 in addition to iReady?

6 A The emphasis on instruction, providing  
7 instruction and good instruction, good instructional  
8 practices, resources, the use of the assistive  
9 technology, all those things that we recommend for  
10 everyone.

11 Q I'm going to show you -- I'm going to stop  
12 sharing for a second to bring up the second  
13 spreadsheet.

14 Ms. Low, do you see the second  
15 spreadsheet?

16 A Yes.

17 Q I gave you control again. Is it working?

18 A No.

19 MS. TUCKER: We'll go off the record  
20 again.

21 THE VIDEOGRAPHER: Going off record at  
22 2:27.

23 (Discussion ensued off the record.)

24 THE VIDEOGRAPHER: Back on the record at  
25 2:30.

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1 BY MS. TUCKER:

2 Q Ms. Low, you see that we're looking at a  
3 second attachment now? Is that correct?

4 A Same year, though.

5 Q Same year and this is the end of grade  
6 data. Is that --

7 A I still see end of course.

8 Q Hold on.

9 End of grade data?

10 A Yes.

11 Q Okay. And it's -- the top reads  
12 "Milestones End of Grade Assessment Results for  
13 Elementary/Middle School GNETS Students by GNETS  
14 Program and Grade Level"?

15 A Yes.

16 Q Am I correct this spreadsheet has all of  
17 the regional GNETS programs?

18 A It appears to.

19 Q And it also shows the total number of  
20 students that were tested in a subject area, those  
21 test results and the scores?

22 A Yes.

23 Q And again, PL3 is a proficient score?

24 A Yes.

25 Q PL2 and PL1 are below proficient?

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1           A     They are. But PL2 is developing. So  
2     there's some progress there.

3           Q     But below proficient?

4           A     It is.

5           Q     And PL4 is above proficient?

6           A     Distinguished.

7           Q     Looking at the scores again, do you agree  
8     a significant majority of GNETS students' scores  
9     fall below proficient?

10           I'll let you --

11          A     Yes.

12          Q     Yes. And are the majority of those GNETS  
13     students' scores falling in the PL1 category the  
14     lowest score?

15          A     Yes, they are.

16          Q     And what do you make of these scores?

17          A     Well, I know you want me to repeat my  
18     answer, but it's the same thing that I just said, is  
19     they're well below where they need to be, concerned  
20     of the impact on their future classes and mastery  
21     that builds.

22                 It certainly is not what the student  
23     wants, nor the parent, and what can we do to change  
24     these results, provide the support that they need,  
25     is what I think when I see these.

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1 Q Thank you.

2 And have you also discussed these scores  
3 with -- these end of grade scores with Vickie  
4 Cleveland?

5 A I don't think I've discussed 2017-18, no.

6 Q But end of grade Milestones scores?

7 A Yes. We've discussed all the academic  
8 scores.

9 Q Thank you.

10 Do you also review iReady data?

11 A I don't.

12 Q Does Vickie Cleveland?

13 A I think Vickie and/or Lakesha. I don't  
14 know that they have access to login to the various  
15 sites, but I believe they have some collection of  
16 data, but I'm not confident of that.

17 Q Do you -- does GaDOE review post-secondary  
18 outcomes for the GNETS programs?

19 A Yes. We review secondary outcomes for all  
20 students.

21 Q In what ways?

22 A It's Indicator 14 in our federal  
23 indicators. So a year after exiting, so I won't say  
24 graduation, but where they exit or should have  
25 exited at the time, we have to contact the student

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1 and find out what they're doing. Are they engaged  
2 in work or an activity, whatever is appropriate.  
3 Are they attending school part-time or full-time,  
4 full-time job.

5 There's several different options, but we  
6 have to collect that individually, and then of  
7 course it also is reported cumulatively.

8 Q Has GaDOE looked at this for the students  
9 that were in GNETS?

10 A I don't know that Vickie is pulling from  
11 Indicator 14. She probably is pulling from data  
12 reporting that she may ask the centers, the programs  
13 about.

14 You know, you have very few exiters by the  
15 time you get older, too. So it would be easier to  
16 know where each one went.

17 Q Why do you have very few exiters?

18 A You always have less students served in  
19 special education in high school than you do in the  
20 younger grades, just the need. But some leave by  
21 other means. They may drop out or things like that.  
22 Like it would not differ from the way that it  
23 happens in the regular school, too.

24 Q Has Vickie Cleveland spoken with you about  
25 the post-secondary outcomes for GNETS students?

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1           A     In a holistic manner, when we're talking  
2     about scores and outcomes, that they're not where we  
3     want them to be.

4           Q     And why is that? Where are they?

5           A     Where are they?

6           Q     The post-secondary outcomes, if they're  
7     not where you want them to be?

8           A     No, I don't have the exact number to tell  
9     you but we don't have as many students graduating  
10    that should.

11          Q     Has Vickie raised this with the regional  
12    GNETS programs?

13          A     I can't tell you specifically. My guess  
14    is she probably did, but it would be a guess.

15          Q     Do you review data related to therapeutic  
16    services offered by the GNETS program?

17          A     I have reviewed some data within the last  
18    year about that. That was collected and compiled by  
19    Vickie and/or Lakesha.

20          Q     Have you looked at the number of social  
21    workers?

22          A     I'm trying to remember if it was broken  
23    down by different services. I'm not sure about  
24    that.

25          Q     So just therapeutic in general?

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1           A       Again, I can kind of see the sheet in my  
2           mind, but I don't remember if we had an accounting  
3           for each type of service. It was just primarily  
4           overall that I recall.

5           Q       Got it. Thank you.

6                   MS. TUCKER: I'd like the court reporter  
7           to mark the following document as Plaintiff's  
8           Exhibit 933.

9                   (WHEREUPON, Plaintiff's Exhibit-933 was  
10          marked for identification.)

11       BY MS. TUCKER:

12          Q       Ms. Low, this is an October 22nd, 2021  
13       email produced by the State. It is to you and Shaun  
14       Owen, from Vickie Cleveland, and the subject reads:  
15       "Clinical Support."

16                   There are four attachments.

17                   And the Bates number on the bottom of the  
18       first page is GA03677596.

19                   Ms. Low, do you recognize this email?

20          A       I do. This is what I was referring to.

21          Q       Okay. In her email Vickie Cleveland wrote  
22       she attached documents that were to be discussed at  
23       a meeting that morning. So October 22nd, 2021; is  
24       that correct?

25          A       I'd have to check my calendar to make sure

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1 it was the 22nd.

2 Q Do you see how Vickie writes: "See  
3 attachments discussed at our meeting this morning"?

4 A I think she's talking about our Wednesday  
5 meeting. She often sends things just prior to the  
6 meeting to have them at hand.

7 Q Understood.

8 Do you recall speaking to Vickie Cleveland  
9 about these documents?

10 A I do.

11 Q Let's look at the first -- did anyone else  
12 join those conversations?

13 A Shaun was in this conversation. I don't  
14 remember if it was this exact time or if it was at  
15 another time that we scheduled to talk with her, but  
16 she was -- she definitely has had this information.

17 Q Let's look at the first attachment. So  
18 that's the document that has GA3677597 at the  
19 bottom. So it should be the second page.

20 Do you see it?

21 A Yes.

22 Q At the top does it read "FY22 Georgia  
23 Network for Educational and Therapeutic Support  
24 (GNETS) Clinical Supports Map"?

25 A It does.

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1 Q Am I correct that it is showing the  
2 clinical staff to student ratio at the 24 regional  
3 GNETS programs?

4 A Yes.

5 Q And there's color shading whether there is  
6 one clinical staff for seven to 19 students, one  
7 clinical staff for 20 to 49 students, and one  
8 clinical staff for 50 to 110 students?

9 A Yes.

10 Q Am I correct that for one clinical staff  
11 for seven to 19 students there are eight out of the  
12 24 regional GNETS programs shaded?

13 A Yes.

14 Q And then am I correct for one clinical  
15 staff for 20 to 49 students there's also eight  
16 regional GNETS programs shaded?

17 A Yes.

18 Q And then for the one clinical staff for 50  
19 to 110 students, am I also correct that there are  
20 eight out of 24 regional GNETS programs shaded?

21 A Yes.

22 Q Do any of these ratios concern you?

23 A They certainly do.

24 MR. BEDARD: Object to form.

25 Q Which ratios concern you?

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1 MR. BEDARD: Object to form.

2 A The 20 to 49, 50 to 110.

3 Q And why do they concern you?

4 A The level of support that this implies  
5 that we're providing, that the regions are  
6 providing.

7 Q Has GaDOE taken any steps to respond to  
8 these concerns?

9 MR. BEDARD: Object to form.

10 A We have internally discussed this. We  
11 have the funds flowing to this. We have discussed  
12 some changes possibly with our funding to increase  
13 therapeutic services on top of that, but nothing has  
14 been determined. Collecting the information,  
15 talking to the GNETS about this.

16 But we don't have control over who they  
17 hire.

18 Q And you say there's funds flowing. What  
19 do you mean by that?

20 A The grant fund that we examined, the  
21 American Rescue Plan funds, that was designated  
22 completely for therapeutic services. So they can't  
23 even enter anything in a budget through the  
24 consolidated application for something other than  
25 that.

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1 And then of course we're encouraging them  
2 to use their federal funds more related to the  
3 therapeutic services, but we are not their fiscal  
4 agent and -- nor their advisory committee through  
5 their special ed directors.

6 Q And you said you've made some changes.  
7 What changes are you referring to, in GaDOE?

8 A I don't believe I said we made some  
9 changes. We're considering.

10 Q And what are those changes that you're  
11 considering?

12 A Possibly to specify that an additional  
13 portion of the federal funds may be restricted to  
14 therapeutic services, but no decision has been made.

15 Q Who makes that decision?

16 A The decision would be made in conjunction  
17 with myself, Vickie, and Shaun. Shaun, of course,  
18 is our supervisor.

19 Q And I believe you said that you're  
20 collecting information from the GNETS, regional  
21 GNETS programs?

22 A This is the information collected.

23 Q But this is an ongoing discussion?

24 A It is.

25 Q When is the last time you discussed this?

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1 A December, January.

2 Q So December '22 or January '23?

3 A Yes.

4 Q And was this discussed at one of your  
5 bi-weekly Wednesday meetings?

6 A It has been.

7 Q Also in separate meetings?

8 A I can't really say beyond that because it  
9 was a litigation discussion.

10 Q Was it shared with you by counsel?

11 A The idea?

12 Q Uh-hum. For it to be related to  
13 litigation.

14 MR. BEDARD: You know, I don't know --  
15 well, I can't speak to who shared it with you.  
16 So if you've -- again, if you guys have been  
17 having internal discussions about the  
18 litigation or anything, about the litigation  
19 itself, then I instruct you not to answer. But  
20 if it's about the program outside of being  
21 related to the litigation, you can answer that  
22 question.

23 A What I've been discussing was certainly  
24 not a part of litigation, but it was probably  
25 mentioned when we had counsel with us in a

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1 discussion later.

2 Q And does Vickie Cleveland have any ongoing  
3 requests related to this issue that she's looking  
4 into and working on right now?

5 A To make them aware to, you know, collect  
6 this again. She stresses therapeutic services and  
7 making that a priority with the funding.

8 Q Let's look at the fourth attachment. So  
9 at the bottom -- this is more electronic.

10 A The one with the bar graph?

11 Q No. We're going to get to that. I'm  
12 going to show you some electronic exhibits again.

13 MR. BEDARD: The native format, the last  
14 page.

15 MS. TUCKER: One second.

16 BY MS. TUCKER:

17 Q You should have control over my screen.  
18 Do you see this?

19 A I do see the -- I'm just trying to move  
20 around.

21 Q And it looks like you are able to with the  
22 arrows?

23 A Yes. Would you all like to know the  
24 secret?

25 Q We can learn it later.

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1           A       It's by touching the pad, because a  
2       message came up after your last trip that said you  
3       got to touch that before you can have control.

4           Q       You'll be very prepared for the next time  
5       we show you an electronic exhibit.

6                    So this spreadsheet has two tabs. So  
7       we're going to look at the first sheet, which is the  
8       one you are currently looking at.

9                    What does this spreadsheet show?

10          A       This looks like the data that -- exactly  
11       what we were discussing, and it is collected by the  
12       actual type of service.

13          Q       By actual type of service, you mean that  
14       --

15          A       A nurse, a BCBA, school counselor, things  
16       that you typically think about with therapeutics.

17          Q       So I'm correct that it identifies the 24  
18       regional GNETS programs and then lists the number of  
19       certain clinical and therapeutic staff members that  
20       they have?

21          A       I haven't scrolled all the way down.

22          Q       I'll let you do that.

23          A       Yes, it appears to have everybody.

24          Q       Are you surprised by any of these values?

25          A       We were very shocked.

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1 Q Let's look at Rutland Academy, if you're  
2 able to toggle there. Let me know when you get  
3 there.

4 The top one.

5 A Yes.

6 Q Am I correct looking at this Rutland  
7 Academy services 110 students but does not have a  
8 BCBA/ABA behavior specialist?

9 A Right.

10 Q It does not have a therapist, psychiatrist  
11 or psychologist?

12 It doesn't have a school counselor?

13 A It does not.

14 Q I'm going to ask those again because I  
15 know you were nodding.

16 A I'm sorry.

17 Q That's okay. Let's start again.

18 Rutland Academy does not have a BCBA/ABA  
19 behavior specialist?

20 A No.

21 Q Rutland Academy does not have a therapist,  
22 psychiatrist, psychologist?

23 A No.

24 Q Rutland Academy does not have a school  
25 counselor?

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1 A No.

2 Q Rutland Academy does not have a nurse?

3 A No.

4 Q Rutland Academy does not have an  
5 RBT/behavior?

6 A No.

7 Q What is that?

8 A It's the stepdown from a BCBA. It's a  
9 quicker registered behavior therapist, quicker  
10 program and not so many hours to intern to receive  
11 that.

12 A lot of school districts are having  
13 paraprofessionals achieve that credential.

14 Q Rutland Academy has one LPC/LCSW/social  
15 worker/tech?

16 A Yes.

17 Q And Rutland Academy does not have a  
18 music/art therapist?

19 A No.

20 Q And so Rutland Academy has one clinical  
21 staff; is that correct?

22 A That's what this shows.

23 Q And that is funded by the State grant?

24 A Yes. And federal funds.

25 Q Can you move over to that -- over where --

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1 all the way to the right.

2 A Back to the right on my screen?

3 Q Yeah. Okay. Got it.

4 Now let's look at sheet two. Do you see  
5 the option on the bottom to click sheet two? If  
6 not, I can get control and do it.

7 A Change it. I can't see it. It's hidden  
8 behind.

9 Q No problem. I'm going to stop sharing.  
10 Okay. Let me stop sharing and pull it up.

11 Do you see this now?

12 A Yes.

13 Q Okay. And does this have similar data if  
14 you're looking at Rutland?

15 A What's the difference in the two? That's  
16 what I'm --

17 Q Let's look at the Columns B through H.  
18 That's the same data, correct? That it has zero  
19 BCBA/ABA behavior specialist?

20 A For Rutland?

21 Q Yes.

22 A Yes. But what's the difference in the two  
23 sheets?

24 Q So I think the difference is if you go all  
25 the way over to the right. I want you to look at

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1 it. You let me know if you see this is different.

2 Do you see this additional column?

3 A I see.

4 Q This Column N, which reads Percentage?

5 A Yes.

6 Q And you see that the entries are  
7 highlighted in red, yellow, and blue?

8 A I see a little corner of it, but I'm  
9 trying to make it -- there.

10 Yes.

11 Q What do red, yellow, and blue highlight  
12 represent?

13 A I don't recall what her key to that was.  
14 But I would say the red is not good from looking at  
15 the data.

16 Q And this was related to the ratios to  
17 students to clinical staff?

18 A Yes.

19 Q Has GaDOE requested an update on this  
20 data?

21 A Does this have a date on it?

22 Q The email, if you recall --

23 A It probably was last spring.

24 Q If we go back to the first email, do you  
25 see it's dated October 22nd, 2021?

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1 A '21?

2 Q Uh-hum. (Affirmative.)

3 A No, I don't think she's updated. I think  
4 this is the only one we've got at this point.

5 Q Are there plans to update it?

6 A Yes.

7 Q Have those requests been made?

8 A I don't believe the requests have been  
9 made but this is something that we have determined.  
10 Of course, we want to watch.

11 Q Let's look at the second attachment, which  
12 I'm going to start sharing.

13 This is the second map in the packet, and  
14 the Bates number on the bottom reads GA03677598.

15 A Yes. I see that.

16 Q And at the top it reads: "FY22 Georgia  
17 Network for Educational and Therapeutic Support  
18 (GNETS) LEA Funded Staff."

19 Is that correct?

20 A Yes.

21 Q And why were you-all reviewing this  
22 information?

23 A We were trying to see which regions that  
24 the LEAs were contributing for -- to ensure the  
25 appropriate services were there.

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1 Q And --

2 A And it varies across the State.

3 Q So it's the number of LEA funded staff at  
4 regional GNETS programs?

5 A Yes.

6 Q The map notes with a little asterisk that  
7 most of these positions are teachers and  
8 paraprofessionals; is that correct?

9 A That's right.

10 Q Okay. And then am I correct that seven of  
11 the 24 regional GNETS programs are shaded as having  
12 zero LEA funded staff members?

13 A Yes.

14 Q Am I also correct that nine out of 24  
15 regional GNETS programs are shaded as having between  
16 two and seven LEA funded staff members?

17 A Yes.

18 Q If the positions are not funded by the  
19 LEA, are they funded by the State?

20 A They're funded through the State funds  
21 that the GNETS program receives, or they could be  
22 funded by some of the federal money that we send.  
23 Not through the therapeutic services grant, but the  
24 other federal money, or they could be LEA funded.

25 Q Well, if they were LEA funded, would they

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1 have been a different shade?

2 A No. This is by LEA funding.

3 Q Right. So I'm asking about those that are  
4 numbered LEA funded, where it says zero. So those  
5 would not be LEA funded?

6 A Based on what we were looking for, this  
7 indicates that regions were not putting in extra  
8 money through some type of a collaborative  
9 arrangement to fund teachers or parapros or whatever  
10 it may be needed.

11 Q And has GaDOE requested updated data of  
12 this kind?

13 A We have not done that since this report.

14 Q Are there plans to do so?

15 A Of course.

16 Q Let's look at the next attachment. It's  
17 the next page and it ends -- the first page ends in  
18 599.

19 Do you see that?

20 A Yes.

21 Q Do you see at the top it says, "Analysis  
22 of Possible Next Steps"?

23 A I do.

24 Q What does this document represent?

25 MR. BEDARD: Object to form.

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1 A What does this page represent?

2 Q Yes. What is this document?

3 A These were suggestions that were made, and  
4 I think Vickie created them, Vickie or Lakesha, but  
5 as I recall they came with the data when we  
6 discussed this, and they were outlining next steps  
7 that they felt would be appropriate to take.

8 Q Let's look at the first bullet. It reads,  
9 quote: "Vickie and Lakesha will review data on the  
10 number of students receiving GNETS services with  
11 MI/MOID/OHI eligibility."

12 Do you see that?

13 A I do.

14 Q Let's go over those abbreviations. What  
15 do they stand for?

16 A Mild intellectual disabilities, moderate  
17 intellectual disability, other health impaired.

18 Q And who directed Vickie and Lakesha to  
19 look at this data?

20 A They are aware of the concern, but I  
21 certainly have discussed this with them as well.

22 Q And what did that data tell you all?

23 A It tells us in some regions that we have  
24 several -- a lot of students that are identified  
25 mild or moderate intellectual disability.

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1 Q In GNETS?

2 A In GNETS.

3 Q And why is that concern?

4 A That would not be the target audience.

5 There could be more to the story than it looks like,  
6 of course. They could have, you know, another code  
7 -- existing condition, but if you felt like a child  
8 had a severe emotional/behavioral, did you really  
9 measure intellect -- are they really mild or  
10 moderate, or was it the mental health, the  
11 behavioral issue? But GNETS was not designed to  
12 serve students with intellectual disabilities.

13 Q Are there certain regional GNETS programs  
14 that have more students with these eligibility areas  
15 than others?

16 A Yes.

17 Q And which are those?

18 A The one that comes to my mind, without  
19 reviewing the data, is Elam Alexander.

20 Q Has any of these concerns been  
21 communicated to Elam Alexander?

22 A Yes.

23 Q And what has Elam Alexander been told?

24 MR. BEDARD: Object to form.

25 A What have they been told?

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1 Q Uh-hum. (Affirmative.)

2 A We've had several conversations with the  
3 director. She is fully aware of that. She has  
4 talked with the directors from their region, but in  
5 particular two districts that seem to refer a lot of  
6 students.

7 She has also more recently visited the  
8 superintendent of the fiscal agent to discuss with  
9 him the concerns about that.

10 Q And by more recently, when was that,  
11 approximately?

12 A It was the school year.

13 Q The 2022-2023 school year?

14 A Yes. They have a new superintendent, and  
15 she's been to see him, according to what she  
16 reported to me.

17 Q What else did she report to you about that  
18 conversation?

19 A I didn't hear the outcome. She just told  
20 me that she had an appointment with him to discuss  
21 this.

22 Q And this is Brook Cole?

23 A This is Brook Cole, yes.

24 Q Have you asked for a follow-up from Brook  
25 Cole?

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1           A     I don't believe I have spoken with Brook  
2 further about that. I mean Brook definitely has  
3 opinions about it, too.

4           Q     Has she shared those opinions with you?

5           A     She has shared those opinions with me.

6           Q     What are her opinions she's shared with  
7 you?

8           A     Let's see how I can -- that she receives a  
9 lot of pressure about the referrals that come.

10          Q     From whom?

11          A     From a couple of systems that feel like  
12 that these services are appropriate, and she really  
13 does not agree that they are. But, again, it is a  
14 team decision.

15          Q     Looking at the next bullet, it's  
16 indicating there's 2020 through 2021 student record  
17 count for a number of students receiving services  
18 with MI/MOID eligibility in regional GNETS programs.  
19 Is that correct?

20          A     Yes.

21          Q     And then if you look at the chart, would I  
22 be correct both Elam Alexander and the North Metro  
23 Regional GNETS programs have over 25 students with  
24 MID/MOID eligibility?

25          A     Yes.

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1 Q Have you also spoken to North Metro about  
2 this?

3 A I have not had a conversation with them.  
4 Vickie may have.

5 Q Let's look at the third bullet. Do you  
6 see where it reads: "Review of LEAs that only have  
7 their students receiving GNETS services."

8 Do you see that? It's above the chart.

9 A Yes. Review of LEAs that only have their  
10 students receiving GNETS services.

11 Q Do you know what that means?

12 A I think she's referencing what I just  
13 said.

14 Q Being?

15 A That there's a concern that Brook has  
16 expressed that two LEAs may not provide that service  
17 in their continuum and feel like this is the  
18 appropriate place, location for services.

19 Q Let's look at the fourth bullet. Am I  
20 correct that Vickie Cleveland and Lakesha Stevenson  
21 were going to review the number of students  
22 receiving GNETS services for each GNETS who have  
23 MI/MOID or OHI? Do you see that?

24 A Yes, I do.

25 Q Has that been done?

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1 A Well, this is what they did. I mean --

2 Q I wasn't sure because it says the  
3 information will be reviewed --

4 A Uh-hum. (Affirmative.)

5 Q -- in the future. No?

6 A But we did.

7 Q Okay, got it. So you're saying this  
8 bullet is referring to what they did?

9 A Yes.

10 Q Okay. Thank you.

11 And looking at the fifth bullet, do you  
12 see that Vickie and Lakesha would, quote: "Develop  
13 a guidance document for LEAs to consider when  
14 reviewing student files for considering  
15 reintegration"?

16 A Tell me where -- I got you.

17 Q It's the bullet that starts "After review  
18 of the data," quote: "Develop a guidance document  
19 for LEAs to consider when reviewing student files  
20 for consideration for reintegration."

21 Do you see that?

22 A Yes.

23 Q Has that been done?

24 A Not to my knowledge.

25 Q Is that still something that's going to be

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1 done?

2 A Yes, that should be done.

3 Q Is that something that you followed up  
4 with?

5 A We have not discussed it recently.

6 Q When is the last time you discussed it?

7 A I'm not sure.

8 Q Let's go to the next page.

9 Do you see the last bullet that starts  
10 with "Review"?

11 A Yes.

12 Q Does it read: "Review districts that are  
13 participating in GNETS and services are provided  
14 only to their students in their school buildings"?

15 A Yes.

16 Q What does that mean?

17 A That means that they -- okay. That means  
18 that their children are in the buildings, so that's  
19 good. And the only children that are in their  
20 buildings belong to that district that they're in.  
21 There's no sharing. They had enough students that  
22 they only had to serve their children in their  
23 building.

24 Q I see.

25 A And that is about talking with those

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1 districts. You know, you're already there, why do  
2 you not want to just do this on your own?

3 Q So just to make sure I understand, this is  
4 looking for districts -- let's just take Gwinnett  
5 County as is an example. I'm not talking about  
6 their data -- in which they have GNETS students that  
7 are only participating in GNETS sites in Gwinnett  
8 County --

9 A Schools.

10 Q -- schools. In their home schools?

11 A Uh-hum. (Affirmative.)

12 MR. BEDARD: Object to form.

13 A They may not be their -- sorry. They may  
14 not be their home school.

15 Q Okay. But their LEA?

16 A Yes.

17 Q Has that been reviewed?

18 A Yes.

19 Q And what's that data look like?

20 A I can't tell you every system but there  
21 are quite a few, and there have been occasions,  
22 typically one-on-one, that we've encouraged the  
23 special education director in the district to  
24 consider what they want to do moving forward.

25 Q So there's been conversations with some

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1 school districts about this?

2 A They're serving their own children, doing  
3 a good job in their buildings --

4 Q What about --

5 A -- providing the continuum.

6 Q What about the school districts that are  
7 sending their students to GNETS facilities in other  
8 school districts, have they been communicated to?

9 MR. BEDARD: Object to form.

10 A What you're asking is -- of course they've  
11 heard a lot of things about the situation that's  
12 going on and the proposal from the legislature last  
13 year. So there has been a lot of ongoing  
14 consideration through the fiscal agent, through the  
15 RESAs, to discuss how they may want to proceed.

16 Q What proposal from the legislature are you  
17 referring to?

18 A There was a temporary I guess proposal  
19 that the funding go directly to the LEA rather than  
20 to the regional GNETS.

21 Q And what do you think about that proposal?

22 MR. BEDARD: Object to form.

23 A I don't do funding. It's -- that's up to  
24 the legislature.

25 Q Do you have any thoughts based on the fact

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1 that you're state director?

2 MR. BEDARD: You can answer.

3 You can answer. It's not privileged. So  
4 you can answer.

5 A I thought it was a good idea.

6 Q Did you express that to anyone?

7 A I don't have the authority to talk to the  
8 legislature or anything.

9 Q Did you tell anyone at GaDOE?

10 A Um, I did. I discussed it with Shaun, I  
11 know. I discussed it with Vickie.

12 I don't recall directly discussing it with  
13 anybody else. This was a very short time period  
14 that -- three or four days that -- you know, things  
15 go back and forth when you're in session.

16 Q When you told Shaun that you thought it  
17 was a good idea, what was her response?

18 MR. BEDARD: Object to form.

19 A I don't recall that she had a particular  
20 response one way or the other.

21 Q Did she express whether she agreed with  
22 the proposal?

23 MR. BEDARD: Object to form.

24 A I don't recall that she did. I don't  
25 recall that she expressed she didn't either. I just

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1 don't remember.

2 Q What about Vickie, did she have a reaction  
3 when you said that you thought this was a good idea?

4 MR. BEDARD: Object to form.

5 A Vickie --

6 MR. BEDARD: Go ahead. Sorry.

7 A Vickie seemed to think that was also a  
8 good idea, but we both -- our jobs are to carry out  
9 however it goes.

10 So that was not so much as a -- any kind  
11 of an official recommendation, as, hum, that might  
12 be good idea.

13 That's literally about the way that that  
14 went.

15 Q Right. And why do you think it's a good  
16 idea in your role as state director?

17 A In my role as state director, sometimes  
18 gets convoluted with my previous experience as a  
19 local director.

20 Q Why do you think that this is a good idea?

21 A I think that local decisions are where --  
22 they know the students. They can make those  
23 decisions. They often have all these resources that  
24 we've been talking about, nurses, counselors, social  
25 workers, BCBAs. All those support services are

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1 typically already in place, which makes it easy to  
2 expand or to provide services.

3 But, again, I would answer that more from  
4 having been a local director than I would from a  
5 state director.

6 Q As a state director, are there any changes  
7 to your answer?

8 A It's just not my role to necessarily say  
9 that, but -- no, I think the LEAs have a lot of  
10 choices if they had the funding because LEAs still  
11 have shared services of all kinds: Hearing  
12 services, vision teachers, audiological services.

13 So if there were small districts that had  
14 a need to pool services, they could. But, again,  
15 that's just an experience that, that I would feel.  
16 That's not the LEA position.

17 Q I understand, but it's your opinion based  
18 on your professional experiences?

19 MR. BEDARD: Object to form.

20 Q Is that correct?

21 A Yes, my experience.

22 Q Are you aware of a proposal like this  
23 being discussed right now?

24 A I don't know. I'm not in that circle.

25 Q I'm going to show you what was previously

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1 introduced as Plaintiff's Exhibit 380.

2 (WHEREUPON, Plaintiff's Exhibit-380 was  
3 marked for identification.)

4 BY MS. TUCKER:

5 Q This is a document that was produced by  
6 the State.

7 Ms. Low, please turn to the third page of  
8 the exhibit where the Bates number is GA00346120.

9 MR. BEDARD: I just object to this on the  
10 grounds I don't think she's on this email that  
11 this is attached to.

12 But obviously we can continue with it.

13 MS. TUCKER: Thank you.

14 BY MS. TUCKER:

15 Q Ms. Low, have you seen this document  
16 before?

17 A Yes, I have.

18 Q Okay, thank you.

19 I'm correct this is a two-page handout  
20 titled, "Georgia Network for Educational and  
21 Therapeutic Supports," and the GaDOE logo is on the  
22 bottom left-hand corner?

23 A Yes.

24 Q Where have you seen this document before?

25 A I have seen it. We, we like what we call

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1 one-pagers, informational that, you know, we have  
2 posted on our website available for parents and for  
3 information like that.

4 This is a very general overview.

5 Q Do you know who created it?

6 A I did not.

7 Q And then am I correct that the top box  
8 provides an overview of the GNETS program?

9 A Let me read it.

10 Q Yes, I'd like you to read it.

11 (Witness reviews exhibit.)

12 A Yes.

13 Q And do you see that it reads the regional  
14 GNETS programs, quote: "Provide comprehensive  
15 educational and therapeutic support services to  
16 students who might otherwise require residential or  
17 other more restrictive placements due to the  
18 severity of one or more of the characteristics of  
19 the disability category of emotional and behavioral  
20 disorders." And then in parenthesis "EBD."

21 A Yes.

22 Q Are you aware of any study that has  
23 assessed the impact of GNETS services on the need  
24 for residential or more restrictive placements for  
25 students in Georgia?

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1 A I'm not aware of a study.

2 Q Does GaDOE collect any data that reflects  
3 the impact of GNETS services on the need for  
4 residential placement?

5 A I'm not aware, and I'm not exactly sure  
6 you'd have -- how would you have that judgment to  
7 know.

8 Q What do you mean by that?

9 A How do we know that the student would have  
10 needed it if they don't go. It would be a judgment.

11 Q Got it.

12 I'm going to show you another exhibit.

13 MS. TUCKER: This is going to be marked as  
14 Plaintiff's Exhibit 934.

15 (WHEREUPON, Plaintiff's Exhibit-934 was  
16 marked for identification.)

17 BY MS. TUCKER:

18 Q This is a September 9th, 2021 email thread  
19 produced by the State. The most recent email is  
20 from you, with a timestamp of 7:36 and 28 seconds  
21 p.m., and it was sent to Linda Castellanos, Kachelle  
22 White, and Vickie Cleveland.

23 The subject reads: "Students who  
24 transferred from RTF to GNETS."

25 The Bates-stamp number on the bottom of

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1 the document is GA02892188.

2 Ms. Low, do you recognize this email  
3 thread?

4 A I don't recall it, but it does appear to  
5 be an email thread that I was on.

6 Q And no reason to doubt it?

7 A No.

8 Q What was Linda Castellanos' role when this  
9 email was sent?

10 A She was the Data and GO-IEP program  
11 manager.

12 Q What about Kachelle White?

13 A Senior program manager over Results Driven  
14 Accountability. And Linda actually. That was her  
15 program manager, too, senior program manager.

16 Q Are you saying Linda was on this email and  
17 I missed it or --

18 A It's from Linda.

19 Q Linda, yes. Thank you.

20 And what does RTF stand for?

21 A Residential treatment facility.

22 Q Let's look at the first email sent from  
23 Linda. It starts at the bottom of the first page  
24 and goes on to the second.

25 Starting with the paragraph that reads

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1 "Previously." Do you see that paragraph?

2 A I do.

3 Q Quote -- do you see where she writes:

4 "Previously when Zel and I were talking, we thought  
5 it might be helpful to see if we can get data from  
6 data collections that would help us analyze the # of  
7 students who transferred from RTF to GNETS or from  
8 GNETS to RTF. If this is something we still want to  
9 do, I would like to talk about this in an upcoming  
10 meeting with Data Collections."

11 Do you see that?

12 A I do.

13 Q She then continues: "I think it will  
14 involve some work by the data collections team and  
15 perhaps additional work by my team since there is no  
16 report with that information."

17 Do you see that?

18 A I do.

19 Q And then she proposes a way to compile the  
20 data?

21 A Yes.

22 Q And let's look at your reply. Do you see  
23 where you wrote: "It would be great data to know.  
24 Would there be any unintended outcomes from  
25 collecting this data at the state level?"

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1 Do you see that?

2 A I do.

3 Q Why was this great data to know?

4 A Of how many GNETS students went to  
5 residential treatment, that would be of a high  
6 interest to us, as well as in the reverse order.

7 Q Why?

8 A Because we could see how many students  
9 GNETS did not provide enough support, as well as  
10 students coming back if they had been successful  
11 after, or if they went right back into residential.

12 Q Let's look at your second sentence: What  
13 did you mean by asking if there would be unattended  
14 outcomes from collecting this data at the state  
15 level?

16 A First of all, this was my second day as  
17 interim state director, by the date. So I probably  
18 have to be forgiven for anything I wrote at that  
19 time.

20 But Linda is a wonderfully detailed,  
21 diligent leader, but this would have involved data  
22 collections creating a whole new report and recoding  
23 things. So those types of things really bogged work  
24 down and sometimes prevented Data Collections from  
25 being able to do their job. They were having a lot

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1 of fatigue with that type of thing coming out of  
2 Special Ed.

3 So that was really what I was getting at,  
4 is let's think about our relationship with Data  
5 Collections and prioritize the things that we need  
6 to do.

7 Q And did you receive a response to your  
8 question?

9 A Did I receive a response? That's kind of  
10 a rhetorical with Linda.

11 Q Okay.

12 A But in a round-about way I received a  
13 response from Data Collection. They asked us to  
14 stop thinking up things to ask, only to come forward  
15 with things we have to have or really, really  
16 believe we need.

17 Q So this data wasn't compiled?

18 A Not to my knowledge.

19 Q Because it would have been difficult and  
20 Data was busy; is that what you're saying?

21 MR. BEDARD: Object to the form.

22 A It's creating a whole different report out  
23 of our very complicated data collections system. So  
24 when you're looking at things like that, the other  
25 thing we have a lot of concern about is asking

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1 districts to report information when it's not a  
2 required component, because they have thousands of  
3 pieces of data they report right now.

4 I mean I think that the local district  
5 would have more meaning in tracking this, and they  
6 would know without a new report.

7 Q At the bottom you see how Linda  
8 Castellanos said Zelfphine Smith-Dixon and her talked  
9 about this?

10 A Uh-hum. (Affirmative.)

11 Q Is that a yes?

12 A Yes, that's what she said.

13 Q Had you spoken with Dr. Smith-Dixon about  
14 this as well?

15 A We had not.

16 MS. TUCKER: Do you all want to take a  
17 break?

18 MR. BEDARD: Sure.

19 THE VIDEOGRAPHER: Going off the record at  
20 3:22.

21 (A recess was taken.)

22 THE VIDEOGRAPHER: We're back on the  
23 record at 3:34.

24 BY MS. TUCKER:

25 Q Welcome back, Ms. Low.

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1 Are you familiar with the GNETS rule?

2 A The GNETS Board Rule?

3 Q Yes, ma'am.

4 A Yes. Not intimately but yes.

5 Q What is the purpose of the GNETS rule?

6 MR. BEDARD: Object to form.

7 Q The GNETS Board Rule?

8 MR. BEDARD: Same objection.

9 You can answer.

10 A I wasn't a part of the development. That  
11 was, of course, when Nakeba was here, and I  
12 literally had no involvement with it at all. But it  
13 was to try to better define what the program was and  
14 wasn't. You know, to ensure that we had a clear  
15 rule and expectation about the program.

16 Q And was there a rule prior to the one  
17 you're referring to that Nakeba worked on?

18 A I honestly don't know.

19 Q Were you a part of any commenting related  
20 to the GNETS rule when it was being developed?

21 A Oh, no.

22 Q I'm going to show you the GNETS State  
23 Board Rule. This was previously marked as  
24 Plaintiff's Exhibit 82.

25 (WHEREUPON, Plaintiff's Exhibit-82 was

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1 marked for identification.)

2 BY MS. TUCKER:

3 Q At the top it reads: "160-4-7-.15 Georgia  
4 Network for Educational and Therapeutic Support  
5 (GNETS.) "

6 Do you see that?

7 A I do.

8 Q And you agree this is the GNETS State  
9 Board Rule?

10 A Yes.

11 Q Let's go to Page 4. Let me know when  
12 you're there?

13 A Okay.

14 Q Do you see where it has five duties and  
15 responsibilities in bold?

16 A Yes.

17 Q And then you see underneath that it says  
18 "The SEA shall"?

19 A Yes.

20 Q What is meant by SEA?

21 A State Educational Agency.

22 Q And what is that?

23 A That's us. That's State Education  
24 Department.

25 Q And GaDOE?

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1 A Yes.

2 Q Let's look at -- do you see where the "SEA  
3 shall" and then under 2. "Administer the grant funds  
4 for performing the following in collaboration with  
5 GaDOE."

6 Do you see that?

7 A I do.

8 Q The first is -- one second.

9 Let's look at the third one: "Monitor  
10 GNETS to ensure compliance with Federal and state  
11 policies, procedures, rules, and the delivery of  
12 appropriate instructional and therapeutic services."

13 Do you see that?

14 A I do.

15 Q How does GaDOE monitor GNETS to ensure  
16 compliance with federal policies, procedures, and  
17 rules?

18 A We -- Federal Programs have a  
19 cross-functional monitoring that is a four-year  
20 cycle. So every LEA comes up every four years.

21 You also may be monitored in between that  
22 cycle if there are risk factors that are identified.

23 When we monitor an LEA, we pull at least  
24 two GNETS files for every LEA that we monitor, and  
25 that's how we are following the compliance there.

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1 Q By two GNETS files, do you mean two  
2 student files --

3 A Yes --

4 Q -- for GNETS?

5 A -- two student files for review. And of  
6 course overall we review the LEAs financing and, you  
7 know, other factors like that in addition to the  
8 other Federal Programs.

9 Q Then what role do you play with this  
10 cross-functional monitoring you're referring to?

11 A I don't have a direct role, that I'm not  
12 going out to do monitoring. I did more of that when  
13 I worked in Results Driven Accountability, but I  
14 have to sign off on completion and see the results  
15 and if there's a need for a corrective action plan,  
16 list the deadline as I communicate with the final  
17 sign-off to the district.

18 Q And then how does GaDOE monitor GNETS to  
19 ensure compliance with state policies, procedures,  
20 and rules?

21 A Well, that's at the same time that we're  
22 looking for federal.

23 Q Okay. So your role is the same as what  
24 you just discussed?

25 A Yes.

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1 Q And how does GaDOE monitor GNETS to  
2 ensure, quote, "the delivery of appropriate  
3 instructional and therapeutic services"?

4 A That is honestly an LEA responsibility.

5 Q Do you agree with me it's under the SEA in  
6 this rule?

7 A I do agree that it is listed here.

8 Q Is there any role that you can -- that the  
9 SEA plays here?

10 A Let me look at some of the data.  
11 We certainly provide professional learning  
12 and resources for instruction. And, again, as I  
13 mentioned, we have an assistive technology project.  
14 So they have free use of software provided for  
15 everyone, the lending library, every -- all of the  
16 resources that we have are available to GNETS, just  
17 like they are to any LEA.

18 Q What step --

19 A But we don't supervise the instruction.  
20 We don't decide the curriculum. That all would come  
21 from the fiscal agent working with the LEA, or FBAs.

22 Q What steps are taken if a regional GNETS  
23 program does not comply with the GNETS rule?

24 A With the GNETS rule?

25 Q Uh-huh. (Affirmative.)

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1           A     It would have to -- it would depend on the  
2     severity of the infraction. So it would just depend  
3     situationally.

4           Q     Are you aware of a regional GNETS program  
5     not complying with the GNETS State Board Rule?

6           A     I'm not aware of a situation.

7           Q     Ms. Low, when was the first time that you  
8     visited GNETS program facility?

9           A     When I was an educational diagnostician in  
10    Carroll County.

11          Q     And what was the context for that visit?

12          A     I think I was sent to attend an IEP  
13    meeting in a, you know, a role from the district  
14    office.

15          Q     What location was that?

16          A     That was the Carrollton-Burwell.

17          Q     Did you visit other GNETS sites when you  
18    were a diagnostician?

19          A     Well, there's only two sites in that  
20    region. So I don't recall going in my capacity as a  
21    diagnostician to the other location. I had been  
22    there as a director, not state director but local  
23    director.

24          Q     Got it. Thank you.

25                   When was the first time you visited a

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1 GNETS facility when you were working at GaDOE?

2 A Can you repeat that?

3 Q Sure. Once you started working at GaDOE,  
4 when was the first time you visited a GNETS  
5 facility?

6 A It was based on one of the visits.

7 Q In connection with the litigation brought  
8 by the United States?

9 A Yes.

10 Q Have you also completed visits in  
11 conjunction with the lawsuit by the advocacy  
12 organization related to GNETS?

13 A Yes.

14 Q How many site visits have you been on with  
15 the United States litigation?

16 A I'd have to go back and count on my  
17 calendar.

18 Q Ballpark, more than five?

19 A More than five. Probably more than 10.  
20 You know, some days we do multiple sites in one day.

21 Q How about how many regional GNETS programs  
22 have you visited in conjunction with this lawsuit?

23 A That's what I thought we were just talking  
24 about.

25 Q I think you were mentioning the sites.

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1 I'm now talking about out of the 24. You were  
2 talking about specific sites, I believe.

3 A You're talking about the region?

4 Q How many regional GNETS programs have you  
5 visited?

6 A I don't -- I don't have that number on the  
7 top of my head.

8 Q And you said you also visited GNETS  
9 locations related to the litigation brought by the  
10 advocacy organization?

11 A Yes.

12 Q About how many GNETS sites have you  
13 visited with that lawsuit?

14 A Probably 10, maybe a little more.

15 Q Have you visited a GNETS site outside of  
16 these two lawsuits since you've been working at  
17 GaDOE?

18 A Just a site or a program?

19 Q Let's start with a site.

20 A I probably have been to a site to do some  
21 training, like we were speaking earlier this morning  
22 about learning objectives, student learning  
23 objectives. But I wasn't there to observe the  
24 program.

25 Q And have you been to any to observe the

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1 program outside of the visits related to the  
2 lawsuits?

3 A As a state director, I don't believe so.

4 Q As interim state director?

5 A I don't think so.

6 Q As program manager senior?

7 A Not coming to my memory.

8 Q Program manager?

9 A Not that I'm aware of.

10 Q And education program specialist?

11 A I don't think so. I'm trying to think if  
12 we were at any particular site to do like transition  
13 training, but I don't recall one.

14 Q When did you start visiting the GNETS  
15 locations in conjunction with this litigation?

16 A I'm trying to remember when the first  
17 visit came.

18 I could tell you if I looked at my  
19 calendar.

20 As interim director it wasn't too long  
21 until the visits started being scheduled. If I had  
22 to guess, I'd say January of '22, but it may have  
23 been in the fall of '21.

24 Q Thank you.

25 Are you aware that the United States

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1 issued subpoenas to conduct these site inspections?

2 A I am.

3 Q How did you learn about the subpoenas?

4 A I don't remember exactly who told me  
5 first. Stacey may have. But districts, special ed  
6 directors have said, I got a subpoena. Because they  
7 were alarmed about that.

8 Q And they reached out to you?

9 A Well, they reached out to me or they saw  
10 me somewhere.

11 Q And did someone ask you to participate in  
12 the site visits?

13 A Yes. I was asked to participate.

14 Q And who asked you?

15 A Shaun and Stacey.

16 Q Did you do anything to prepare for those  
17 site visits?

18 MR. BEDARD: Object to form.

19 I'm going to instruct -- well, withdrawn.

20 You can say if you met with counsel or  
21 anybody, you can say you did. But to the  
22 extent you did meet with counsel, I'd instruct  
23 you not to answer what you did in those  
24 meetings.

25 A No.

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1 Q Did you meet with counsel in preparation  
2 for these meetings?

3 A To the visits?

4 Q Uh-hum. (Affirmative.)

5 A No, I don't believe so.

6 Q Okay. I'm just confirming.

7 A It was more of an email, there's a site  
8 visit, you need to go and be an observer.

9 Q Did you look at any documents prior to  
10 those visits?

11 A No.

12 Q Did you have conversation with anyone on  
13 the GNETS program staff with GaDOE, so Vickie  
14 Cleveland, or Lakesha Stevenson, in advance of those  
15 visits?

16 A I probably had conversation with Vickie,  
17 just saying, hey, we've been asked to go on some  
18 visits and wherever we were going.

19 Q And what did you discuss with Vickie?  
20 Just where you were going or more details?

21 A Just we have visits. Or if a -- or if the  
22 director said, I've got a subpoena. A lot of the  
23 GNETS directors would reach out when an invitation  
24 would come, and Vickie would call me to say that  
25 they're coming to visit us. Often we didn't even

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1 know it before they did.

2 Q Did you have conversations with anyone in  
3 the GNETS program staff at GaDOE after the site  
4 visits?

5 A Sometimes.

6 Q So you spoke with Vickie Cleveland after  
7 the site visits?

8 A Vickie or Stacey.

9 Q Did you speak with Vickie one-on-one after  
10 the site visits?

11 A I probably did at some point, but if we  
12 had a reason to discuss something that had been  
13 seen, it may have been with Shaun. You know, we  
14 would typically meet together.

15 Q What would a reason be?

16 MR. BEDARD: I'm going to object to form  
17 and instruct you not to answer to the extent  
18 you were reaching conclusions based on the site  
19 visits that were made in connection with this  
20 litigation.

21 If you've got an answer outside of that,  
22 you can answer.

23 THE WITNESS: I don't think I do have an  
24 answer outside of that.

25 MS. TUCKER: And you're asserting her

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1 conclusions are privileged?

2 MR. BEDARD: And work product.

3 MS. TUCKER: And work product?

4 MR. BEDARD: Uh-hum. Both.

5 BY MS. TUCKER:

6 Q Did you have conversations with anyone  
7 else at GaDOE after the site visits?

8 A Probably in our leadership meeting, and if  
9 we had requests or had a reason to provide any  
10 assistance.

11 Q And what type of assistance are you  
12 speaking to?

13 A I don't really have a specific example,  
14 but it may have been that the director asked for  
15 something or the other while we were there.

16 Q So a regional director asked for  
17 information while you were there that you were  
18 following up with someone at GaDOE?

19 A If they thought that maybe one of our  
20 specialists in a particular area could come help  
21 them, or if we were doing something with assistive  
22 technology transition, that type of thing.

23 Q Did you have any conversations with the  
24 regional GNETS program staff before the site visits?

25 A I didn't.

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1 Q Did Vickie?

2 A I don't know.

3 Q Did GaDOE provide any guidance to the  
4 regional GNETS programs prior to the visits?

5 A No. Not to my knowledge. Not from our  
6 office.

7 Q Did you have conversations with anyone  
8 from the regional GNETS program staff after the site  
9 visits occurred?

10 A Did we talk with them?

11 Q Uh-hum, after the site visits.

12 A Maybe while we were there, but I don't  
13 recall afterwards.

14 Q And while you were there after the  
15 Department of Justice had left, did you speak with  
16 them?

17 A I don't think I stayed behind just talk.  
18 It may have been just while we were there on the  
19 visit.

20 Q With attending the site visits are there  
21 particular things that you are observing for?

22 MR. BEDARD: Object to and instruct you  
23 not to answer to the extent you're looking at  
24 anything in particular based on instructions  
25 from counsel, or really frankly any conclusions

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1           you're make from the site visits.

2           A     I was just serving as an observer.

3           Q     Did you assess the quality of instruction  
4 during these visits?

5                     MR. BEDARD: Same instruction -- let me  
6 back up.

7                     You can answer that one.

8           A     No. That was not my purpose. My purpose  
9 was to see what the visitor saw.

10          Q     Did you assess the quality of the physical  
11 facilities?

12                     MR. BEDARD: Same instruction.

13                     You can answer.

14          A     I didn't do a physical check, no.

15          Q     Did you assess the quality of therapeutic  
16 services and supports?

17                     MR. BEDARD: Same objection.

18                     Instruct you not to answer.

19                     I instruct you not to answer that one.

20                     THE WITNESS: Don't answer?

21                     MR. BEDARD: No.

22 BY MS. TUCKER:

23          Q     Did you document your observations in any  
24 form while you were on site visits?

25          A     I did not take notes.

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1 Q Did you take photographs?

2 A Of one particular site I did.

3 Q Which site was that?

4 A I can't remember the official name. It  
5 was in Savannah.

6 Q In Savannah. And what led you to take  
7 photos of that site?

8 MR. BEDARD: I'll instruct you not to  
9 answer to the extent your decision to do so is  
10 based on conclusions you were making.

11 While on that tour if you were taking  
12 photos solely because the United States' expert  
13 was taking photos, then you can answer. But  
14 otherwise, I'll instruct you not to answer.

15 A I can't answer then.

16 Q And this was in Savannah?

17 A In Savannah.

18 Q Were you asked to take photos?

19 A No.

20 Q For the one photo you took, did you  
21 receive a request from the regional GNETS program to  
22 see it?

23 A No.

24 Q Did you receive a request from counsel for  
25 the regional GNETS program to see it?

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1 A No.

2 Q Did you observe any GNETS -- school-based  
3 GNETS programs where GNETS students were in separate  
4 wings?

5 A Is that not a --

6 MR. BEDARD: You can answer if you saw --  
7 if you went to a location and it was a center  
8 versus a different type of GNETS location,  
9 which is what I think the question is.

10 MS. TUCKER: Yes.

11 MR. BEDARD: The school-based GNETS  
12 location, you can answer that.

13 A I did see a few school-based locations  
14 that were in a separate wing.

15 Q How many?

16 A Two are coming to my mind.

17 Q Which two?

18 A One was Crab Apple, I guess elementary,  
19 Fulton County.

20 That's the one I'm trying to decide, is it  
21 Fulton County or Clayton County. And I can't even  
22 remember the school name, but it was a special ed  
23 hallway.

24 Again, it wasn't just GNETS. It was other  
25 classes that they had.

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1 Q Did you observe school-based GNETS  
2 programs with separate wings that were locked or  
3 required a key or badge to access them?

4 A I did not see that.

5 Q Did you visit Southwest High School for  
6 Elam Alexander?

7 A I don't know. I did quite a few schools  
8 on that Elam visit. So I may have.

9 Q You don't recall them?

10 A It's just running together. I remember  
11 going to a middle school and an elementary school.  
12 So it could have even been another day.

13 Shaun has been exemplary in sharing the  
14 visits with me, and then if there was something  
15 going on, to allow me to be back doing that. So we  
16 could have even swapped the next day. I don't  
17 remember. I could tell from my calendar if I had  
18 it.

19 Q Did you observe any school-based GNETS  
20 program locations where GNETS students used separate  
21 entrances from students in the general education  
22 environment?

23 MR. BEDARD: You can answer that.

24 A Yes.

25 Q How many?

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1           A     I don't have a particular number, but more  
2     than three probably.

3           Q     Do any come to mind?

4           A     The Crab Apple one has a separate  
5     entrance.

6                     There was high school program and I can't  
7     -- I mean I can see it in my mind, but I do not  
8     remember where we were. May have been the school  
9     you were just talking about, because I think it was  
10    in Bibb County, but there is a separate entrance.  
11    You actually drive around to it.

12                    Gwinnett County, too.

13          Q     Did you observe any school-based GNETS  
14    program locations where the entrances used by the  
15    GNETS students had metal detectors?

16          A     They're so commonplace now in every  
17    school, of any type, that they may have been there,  
18    but it's just so typical to see it I don't know that  
19    I specifically noticed.

20          Q     Did you visit any school-based GNETS  
21    program locations where GNETS students had separate  
22    playground equipment from the students in the  
23    general education environment?

24          A     I'm not aware of that, if they had  
25    separate playground equipment.

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1 Q Did you visit any school-based GNETS  
2 programs where GNETS students ate lunch in their  
3 classrooms separate from students in the general  
4 education environment?

5 A Yes.

6 Q How many?

7 A It was not typical. It was more atypical.  
8 I don't know that I have a number.

9 Q But you saw this?

10 A I did. I saw them go get their tray  
11 before everybody else and go back to their class.

12 Q Are there any sites that are sticking out  
13 in your mind right now?

14 A That was in Gwinnett, too.

15 Q Did you observe high quality instruction  
16 at the GNETS locations you visited?

17 MR. BEDARD: Object to form.

18 I'm going to instruct you not to answer.

19 THE WITNESS: Yeah.

20 MR. BEDARD: And I'll move to strike her  
21 answer "yeah," or at least just note on the  
22 record I think she was just agreeing with my  
23 objection. She wasn't agreeing in the  
24 affirmative to the question.

25 MS. TUCKER: And the basis is?

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1 MR. BEDARD: Work product.

2 MS. TUCKER: Can we break?

3 MR. BEDARD: Sure.

4 MS. TUCKER: Thank you.

5 THE VIDEOGRAPHER: Going any of the record  
6 at 4:02.

7 (A recess was taken.)

8 THE VIDEOGRAPHER: Back on the record at  
9 4:22.

10 BY MS. TUCKER:

11 Q Welcome back.

12 Ms. Low, did you observe high quality  
13 instruction across the regional GNETS programs at  
14 the locations that you visited?

15 MR. BEDARD: Object and instruct you not  
16 to answer on work product grounds.

17 Same objection as prior.

18 BY MS. TUCKER:

19 Q And what is the rationale whether or not  
20 Ms. Low saw -- what she saw is work product?

21 MR. BEDARD: I think the dividing line  
22 here is it's a matter of factors. It's kind of  
23 opinion in evaluating judgments. She's there  
24 at the direction of counsel in connection with  
25 this litigation, so anything she's seen there,

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1 any conclusions she's reaching there, have been  
2 done at the direction of counsel as part of  
3 their investigatory obligations as part of the  
4 litigation.

5 So it's kind of the dividing line I'm  
6 going off of.

7 MS. GARDNER: So she's -- you know,  
8 probably going to go back to her colloquy and  
9 have you put that objection in response to  
10 every question that challenges that these same  
11 questions were asked of the deputy  
12 superintendent of Federal Programs with whom  
13 she has indicated they split responsibility for  
14 site visits, and none of these objections were  
15 lodged.

16 We personally don't see the basis for  
17 something that is -- it's a fact, just as if  
18 she observed a metal detector, misbehavior.

19 MR. BEDARD: Well, for what it's worth, I  
20 think there's an argument to be made that the  
21 questions about, you know, metal detector or  
22 anything like that are also frankly work  
23 product because she's there, again, at the  
24 direction of counsel as part of the litigation.

25 I've let those slide a little bit because

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1 I think they are somewhat equivalent to did you  
2 go to this location, did you go to that  
3 location.

4 But I think the question of high quality  
5 instruction or something like that is clearly  
6 an evaluating term that carries with it an  
7 opinion and conclusions that are based on the  
8 facts that she's observing on the ground.

9 So that's the basis of the objection. If  
10 we want to go through and lodge those  
11 objections with every question, we can of  
12 course do that, but that's just so you guys  
13 know where I'm coming from.

14 MS. GARDNER: I understand.

15 MS. TUCKER: We'll go through them.

16 MR. BEDARD: Cool.

17 MS. TUCKER: Thank you.

18 BY MS. TUCKER:

19 Q Ms. Low, did you have conversations with  
20 anyone at GaDOE after the site visits about what you  
21 saw?

22 MR. BEDARD: Object to form.

23 You can answer.

24 A Shaun and Stacey, and Vickie. Vickie  
25 sometimes was in the conversation but we talked

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1 about it either at -- together or Vickie and I may  
2 have talked separately.

3 Q Outside of the presence of counsel, did  
4 you have conversations?

5 A I don't recall. We -- I mean  
6 conversations about?

7 Q About the site visits. Have you and Shaun  
8 Owen discussed what -- the site visits outside of  
9 conversations with counsel?

10 A Yes.

11 Q And what did you-all discuss?

12 MR. BEDARD: I'll -- objection and I'll  
13 instruct you not to answer to the extent that  
14 you discussed conclusions you made on the site  
15 tours.

16 MS. TUCKER: Same rationale?

17 MR. BEDARD: Uh-hum. (Affirmative.)

18 BY MS. TUCKER:

19 Q Did you have conversations with Vickie  
20 after the site visits about what you observed?

21 A Yes.

22 Q And what did you discuss?

23 A Not every time but just --

24 MR. BEDARD: Same objection.

25 Instruct you not to answer to the extent

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1           they are based on conclusions you reached while  
2           on the site visits, same rationale.

3           MS. TUCKER: Mr. Bedard, is it the same  
4           rationale?

5           MR. BEDARD: Yes.

6           Q     And then were there particular things you  
7           were looking for on the site visits, Ms. Low?

8           MR. BEDARD: Same objection.

9           Instruct you not to answer to the extent  
10          you were looking at certain things at the  
11          instruction of counsel.

12          For the record, if we want to make it go  
13          faster, you want to do the same objection,  
14          instruct not to answer? That will shorten it.

15          MS. GARDNER: Yeah. Same objection, same  
16          rationale?

17          MS. TUCKER: Same objection, same  
18          rationale?

19          MR. BEDARD: Yep.

20          MS. TUCKER: Okay. Cool.

21   BY MS. TUCKER:

22          Q     Did you assess the quality of instruction  
23          during these visits?

24          MR. BEDARD: Same objection, same  
25          rationale.

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1 Q Did you assess the quality of physical  
2 facilities?

3 MR. BEDARD: Same objection, same  
4 rationale.

5 Q Did you assess the quality of therapeutic  
6 services and supports?

7 MR. BEDARD: Same objection, same  
8 rationale.

9 Q Did you rely on any particular training or  
10 experience when conducting your observations?

11 MR. BEDARD: Same objection, same  
12 rationale.

13 Q Did you observe high quality instruction  
14 at any GNETS program location you visited?

15 MR. BEDARD: Same objection, same  
16 rationale.

17 Q Did you observe consistent compliance with  
18 the Georgia standards of excellence during the GNETS  
19 program locations you visited?

20 MR. BEDARD: Same object, same rationale.

21 Q Did you observe particularly poor quality  
22 instruction at any GNETS programs or locations you  
23 visited?

24 MR. BEDARD: Same objection, same  
25 rationale.

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1 Q Did you observe any trends with respect to  
2 the GNETS program locations you visited?

3 MR. BEDARD: Object to form, and same  
4 objection, same rationale.

5 Q What was your assessment of the  
6 instruction at the GNETS program locations based on?

7 MR. BEDARD: Same objection, same  
8 rationale.

9 Q Did you observe high level of student  
10 engagement across the GNETS programs you visited?

11 MR. BEDARD: Same objection, same  
12 rationale.

13 Q Did you observe any other trends related  
14 to student engagement at the GNETS programs you  
15 visited?

16 MR. BEDARD: Same objection, same  
17 rationale.

18 Q Did you observe therapeutic services and  
19 supports being offered at the regional GNETS  
20 programs that you visited?

21 MR. BEDARD: You can answer that one.

22 A Did I directly observe therapeutics going  
23 on? In several locations I -- of course, you're not  
24 going to be in the room with them listening if  
25 they're doing something like counseling or whatever,

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1 but an adult and a child were in the room and the  
2 person guiding the tour said that that was what they  
3 were doing.

4 Q How many sites did you see that?

5 A I don't know that I can place a number,  
6 but certainly not every site.

7 Q How did you assess the quality of the  
8 therapeutic services and supports that you observed?

9 MR. BEDARD: Same object and same  
10 rationale.

11 Q Did any GNETS program location stand out  
12 to you due to their lack of therapeutic services and  
13 supports?

14 MR. BEDARD: Same objection, same  
15 rationale.

16 Q What were your observations regarding the  
17 condition of the GNETS program facilities you  
18 visited?

19 MR. BEDARD: Same objection, same  
20 rationale.

21 Q Are you familiar with seclusion rooms?

22 MR. BEDARD: You can answer that.

23 A Am I familiar with what that is?

24 Q Yes, ma'am.

25 A Yes.

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1 Q What are they?

2 A They can be a lot of different things, but  
3 a place that you are secluding the student. It can  
4 be that you're -- have a door on it, and it  
5 certainly shouldn't have that.

6 It could be behind a screen blocked off  
7 from everybody else. It can be in a lot of ways,  
8 but I do know what they are, yes.

9 Q Are there any other markers besides the  
10 closed door that identifies a seclusion room?

11 A Well, again, in my definition of  
12 seclusion, it can even be behind screens in a  
13 regular classroom.

14 Q During your site visits, did you observe  
15 any seclusion rooms?

16 MR. BEDARD: Object to form.

17 You can answer that one.

18 A I observed rooms that appeared to be  
19 seclusion rooms at one point, but the doors were  
20 removed.

21 Q What led you to believe they were  
22 seclusion rooms at one point?

23 A The director or coordinator, whoever was  
24 showing us around, would have brought attention to  
25 that, say they are no longer used in that manner.

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1 Q Did you observe high levels of PBIS with  
2 fidelity at the GNETS programs you visited?

3 MR. BEDARD: Same objection, same  
4 rationale.

5 Q Did any GNETS program location stand out  
6 in a positive way for further implementation of  
7 PBIS?

8 MR. BEDARD: Same objection, same  
9 rationale.

10 Q Did you have any concerns about the GNETS  
11 programs you visited, about how they were  
12 implementing PBIS during your site visits?

13 MR. BEDARD: Same objection, same  
14 rationale.

15 Q Based on your observations visiting the  
16 regional GNETS programs and the facilities, what  
17 recommendations would you make, if any, to improve  
18 the GNETS program?

19 MR. BEDARD: Hold on.

20 Same objection, same rationale.

21 Q What additional resources do you think the  
22 GNETS program could benefit from based on your  
23 observations?

24 MR. BEDARD: Same objection, same  
25 rationale.

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1 Q Am I correct you've also visited general  
2 education schools in connection with DOJ's  
3 litigation?

4 MR. BEDARD: You can answer that.

5 A Yes.

6 Q How many?

7 A A few. Not as many of course as the site  
8 visits for the GNETS, but a few with them.

9 Q More than 10? Less than 10?

10 A Less than 10.

11 MS. TUCKER: So the State has objected on  
12 numerous occasions to questions that get at the  
13 nature of the things Ms. Low observed during  
14 the visits to the GNETS facilities, and we, the  
15 United States, maintain these questions get at  
16 the facts of what Ms. Low saw personally, and  
17 those facts are not protected by work product.

18 So to the extent that the State seeks to  
19 introduce factual information from Ms. Low  
20 regarding her visits, the United States has a  
21 continuing objection given the assertion of  
22 work product.

23 MR. BEDARD: Sure. And I'll say for the  
24 record that the State's position is not -- it's  
25 not an issue of the facts that are being

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1           asserted, but opinions that are being generated  
2           based off of those facts, which are protected.  
3           She hasn't been designated as an expert. She  
4           was there at the instruction of counsel in  
5           connection with the litigation.

6                     So as far as we see it, it's an issue of  
7           opinion and conclusions, not facts.

8                     But just so we have that on the record and  
9           we can obviously work that out later when it  
10          comes up

11                    MS. TUCKER: Okay. And as Mr. Gardner  
12          mentioned a moment ago, we did take the  
13          deposition of deputy superintendent Shaun Owen,  
14          and we asked similar questions and the State  
15          did not lodge the same objections.

16          Q       And I know, Ms. Low, you indicated that  
17          you and Ms. Owen shared the responsibilities. Is  
18          that correct?

19          A       Yes.

20                    MS. TUCKER: So we don't understand the  
21          reason why those objections are being lodged  
22          now and they were not lodged for Ms. Owen.

23                    So I wanted to put that on the record as  
24          well.

25                    MR. BEDARD: Understand.

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1 BY MS. TUCKER:

2 Q Ms. Low, what is PBIS?

3 A Positive behavior intervention and  
4 supports.

5 Q And how does PBIS relate to school  
6 climate?

7 A They're greatly related.

8 Q How?

9 A Well, creating a positive climate and  
10 having your norms and rules and the various supports  
11 you put in place for PBIS lead to a better climate  
12 overall. You know, improving the behavior in  
13 classrooms because of the reinforcers and things  
14 like that the kids are working toward would lead to  
15 them being more apt to be able to receive  
16 instruction, more teachers to be happier about their  
17 work environment, you know, with the students being  
18 more managed.

19 PBIS can also eliminate a lot of  
20 opportunities that may have happened by being  
21 organized and creating a structure.

22 Q Have you worked to champion PBIS within  
23 the State of Georgia?

24 A I don't know that I've had an opportunity  
25 to champion PBIS, but very supportive of it.

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1 Q Has GaDOE taken any steps related to  
2 implementation of PBIS at GNETS programs?

3 A I don't think I know the answer to that  
4 question. The State certainly has had a main focus  
5 on PBIS for a number of years, in excess of 10  
6 years, and there's evidence of that across the  
7 State, as well as in GNETS facilities.

8 Q And who would know the answer to that, for  
9 the GNETS programs?

10 A Who would know the answer to?

11 Q The steps the State has taken, if any?

12 A Well, I would say it would be Justin Hill.

13 Q Okay. Thank you.

14 Ms. Low, we spoke about the GVRA earlier;  
15 is that correct?

16 A Yes.

17 Q What does that stand for again?

18 A Georgia Vocational Rehabilitation Agency.

19 MS. TUCKER: I'd like the court reporter  
20 to mark the following document as Plaintiff's  
21 Exhibit 935.

22 (WHEREUPON, Plaintiff's Exhibit-935 was  
23 marked for identification.)

24 BY MS. TUCKER:

25 Q This is an email thread produced by the

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1 State. The most recent email in the thread is dated  
2 August 17, 2017, and it is from Lynn Holland to you.

3 The subject reads "video."

4 And the Bates number on the bottom of the  
5 first page is GA03558135.

6 Ms. Low, do you recognize this email  
7 thread?

8 A I don't remember the details, but, yes, I  
9 was involved in this work. Yes.

10 Q And when you sent this email, you were  
11 education program specialist?

12 A I was, and Lynn was my supervisor.

13 Q Okay. Let's look at the email from you to  
14 Lynn Holland on August 17th, at 11:16 a.m.

15 Do you see it?

16 A I do.

17 Q Looking at the second paragraph, you  
18 wrote, quote: "I have a bunch happening today. We  
19 need to discuss GVRA and GNETS. GNETS are wanting  
20 their own contract. That may be best but want to be  
21 sure it aligns with the big picture."

22 Do you see that?

23 A Yes. Wait a minute. I was looking at the  
24 wrong one.

25 Q It's on the first page, at the bottom.

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1 A Oh, you're reading just partial.

2 Q Yes. The second paragraph. I'm happy to  
3 read it again.

4 A Okay.

5 Q Do you see where it reads: "I have a  
6 bunch happening today. We need to discuss GVRA and  
7 GNETS. GNETS are wanting their own contact. That  
8 may be best but want to be sure it aligns with the  
9 big picture."

10 Do you see that?

11 A I do. I'm trying to remember what that  
12 was about and what kind of contact they're asking  
13 about.

14 Q What did you want to discuss related to  
15 GVRA and GNETS with Lynn Holland?

16 A Let me read the rest of the email to try  
17 to figure out --

18 Q I'll give you a moment.

19 A -- figure out what I said.

20 (Witness reviews exhibit.)

21 A I think the paragraph you're referencing  
22 to doesn't necessarily apply to the one above it.  
23 This is just me reporting to my program manager  
24 about things I've been sent out to do, and part of  
25 my role in that was the collaboration with outside

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1 agencies. That was, you know, specified as a -- I  
2 think it was on my evaluation, as a matter of fact,  
3 that.

4 But the first part that we haven't read  
5 yet is about training through SREB and our CTEA  
6 staff, our career and technical education staff,  
7 wanting to collaborate with us to provide support to  
8 our 50 intensive districts for systemic improvement.

9 Q Yes. I'm focused just on that second  
10 paragraph.

11 A I know, but I'm trying to -- I don't think  
12 that where I said I need to discuss GVRA and GNETS  
13 had anything to do with the first part. So GNETS is  
14 asking to have their own person. In other words,  
15 they wanted a rehab counselor assigned to them  
16 instead of just the rehab counselors that were  
17 assigned to the districts they served.

18 Q And how was that messaged to you from the  
19 GNETS programs?

20 A I don't remember.

21 Q And why were they wanting a contact  
22 outside of their LEA contact?

23 MR. BEDARD: Object to form.

24 THE WITNESS: Can I answer?

25 MR. BEDARD: You can answer.

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1           A       Ease of work, not having to collaborate  
2 with GVRA may have rehab counselors assigned  
3 one-to-one county, one to another. There may be six  
4 rehab counselors in the region that the GNETS  
5 serves. So they wanted GVRA to say, you know, for  
6 Sand Hills GNETS this is your person to call.

7           Q       What did you mean by, quote, "that may be  
8 best but want to assure it aligns with the big  
9 picture"?

10          A       I guess I need to answer that.

11          Q       Yes.

12          A       It really means -- you know, just as I  
13 said about the cross-functional monitoring, we're  
14 monitoring the GNETS files that the students of that  
15 particular LEA is sending, because they're still  
16 their students. So any time that we start to  
17 designate separate people, it was always a concern  
18 that it becomes -- morphs into something else rather  
19 than just a service on the continuum.

20          Q       And what's the big picture? Just to make  
21 sure I understand.

22          A       Well, just any kind of decisions that we  
23 make, we start assigning GNETS like they are a  
24 standalone LEA, which they're not. That's what I  
25 mean by the big picture.

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1                   We're very careful about decisions like  
2                   that and how they may impact down the road.

3           Q       Did GVRA end up -- did GNETS end up  
4                   getting their own GVRA contact?

5           A       I think at the time they did. I don't  
6                   think that they have that now.

7           Q       Do you know what led to that change?

8           A       I don't know the specifics of what led to  
9                   that change.

10          Q       When was that change made?

11          A       I -- I can't name a date of when. They've  
12                   had a lot of changes. They've had a lot of change  
13                   in leadership and philosophies.

14          Q       Are you referring to GVRA?

15          A       Yes.

16          Q       Okay.

17          A       So they've just changed the way they  
18                   deliver.

19                   MS. TUCKER: I'd like the court reporter  
20                   to mark the following document as Plaintiff's  
21                   Exhibit 936.

22                   (WHEREUPON, Plaintiff's Exhibit-936 was  
23                   marked for identification.)

24          BY MS. TUCKER:

25          Q       This is a November 10, 2016 email produced

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1 by the State. The email is from Nakeba Rahming to  
2 you and the directors of the regional GNETS  
3 programs. The subject reads: "GVRA Services (2  
4 minute survey)."And there's one attachment.

5 The Bates number on the bottom of the  
6 first page reads GA03559361.

7 Ms. Low, do you recognize this email?

8 A I didn't remember it, but probably.

9 Q Do you have any reason to doubt it?

10 A No.

11 Q And when Nakeba Rahming sent this email,  
12 she was the state director for GNETS; is that  
13 correct?

14 A She was.

15 Q And you were an education program  
16 specialist?

17 A Yes.

18 Q And then do you see Nakeba Rahming wrote  
19 to the directors, quote: "Due to some of your  
20 concerns regarding access to GVRA services, Wina and  
21 I are working on establishing protocols to ensure  
22 the students assigned to GNETS programs are provided  
23 access to GVRA assisted counselors and services."

24 Do you see that?

25 A Yes, I do.

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1 Q Were you coordinating with Nakeba Rahming  
2 at this time?

3 A She was the state director. I was a  
4 specialist who was the district liaison to a region,  
5 but my other primary role was to lead transition in  
6 the State, including collaboration with other  
7 agencies that support students when they leave the  
8 school district.

9 I don't recall that I did the survey. I  
10 think that Nakeba may have done the survey, but I  
11 recall conversations with Nakeba where she talked  
12 with me about the fact that the GNETS was having a  
13 hard time accessing services through GVRA, and so we  
14 were trying to determine who is, who isn't. It's a  
15 big state. And there are regional offices for GVRA,  
16 that they act within law and regulation but on their  
17 own about how they assign people, and it can vary  
18 from one region to another.

19 So I think we were trying to figure out,  
20 is this an assumption we're making, or is this true  
21 across the State or just a few people are having  
22 concerns.

23 Q And what did you all find out from the  
24 survey?

25 A Unfortunately, that it was consistent

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1 across the State, that they were having a difficult  
2 time accessing services.

3 Q And students are typically able to access  
4 services through their LEAs?

5 A Yes.

6 Q The GNETS students were having challenges  
7 of accessing the GVRA services through their LEAs?

8 A Well, GVRA service -- when the contact  
9 comes to visit the LEA, they weren't necessarily  
10 checking in to see who in the GNETS needed  
11 something.

12 And all about the same time frame we were  
13 very, very involved with GVRA and had some great  
14 partners from GVRA. They had a big law change. You  
15 know, Workforce and Innovation something act. I've  
16 forgotten what the O stands for, but WIOA.

17 And when I was speaking with my two  
18 contacts that we met very regularly, I said, you  
19 know, what's the deal with GNETS. And they said,  
20 well, typically their disability is an exclusionary  
21 factor.

22 So we worked on that a long time to try to  
23 get past that road block, and I believe we did.

24 Q So they were given a contact? The GNETS  
25 programs were given GVRA contacts?

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1           A     I think they had somebody listed beside  
2     their name, and the leaders I was speaking of, Lori  
3     Tuten and Dale -- I can't think of his last name at  
4     the moment. They even met with the GNETS, you know,  
5     like during a meeting that was hosted by Nakeba or  
6     Vickie or whoever it was.

7           Q     And you said their contacts are now taken  
8     away?

9           A     I don't know that because I'm not as  
10    intimately involved.

11                   The other agency had so many changes and  
12    they lost an enormous number of counselors. I think  
13    part of it was they needed to make some change, and  
14    that was probably how it was driven, but that's just  
15    how it turned out. But regular schools lost  
16    contact, too, because of the extensive vacancies  
17    across the State.

18          Q     Has Vickie Cleveland raised concerns about  
19    GVRA access for the GNETS programs?

20          A     She has in the past. Not since I've been  
21    state director. Interim I don't recall. It would  
22    have been while I was in my other role.

23          Q     Program manager senior?

24          A     Probably, yes.

25          Q     Ms. Low, are you familiar with the -- yes.

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1 Earlier we spoke about the Georgia  
2 Learning Resources System --

3 A Yes.

4 Q -- correct?

5 And what does this Georgia Learning  
6 Resources System do?

7 A We fund GLRS. So they serve as a regional  
8 arm for us. So we have a scope of work determined  
9 with state priorities. They can also have regional  
10 priorities because there will be some regional  
11 priorities.

12 You know, let's say that they still need  
13 additional professional learning with co-teaching  
14 strategies, but another region is like, we're good  
15 there. So they may not offer exactly the same  
16 thing, but they provide support in numerous ways,  
17 especially re-delivering professional learning and  
18 meeting with directors in the field, supporting  
19 directors out in the field.

20 But their -- they can even go to the  
21 classroom level. We -- now we have, with the  
22 teacher induction grant, we also send money for  
23 coaches to actually go out and coach the teachers  
24 participating in the induction grant.

25 So that's a different thought. We

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1 couldn't do that if we didn't have this regional  
2 network everywhere to support our work, but, you  
3 know, having hundreds of classroom visits, we are  
4 really proud of that and that's how we accomplish  
5 things like that. Almost every major initiative  
6 that we have, GLRS are part of the plan to reach  
7 every place in the State.

8 They live there, work there. You know,  
9 there's a lot of trust. We've been able to -- we  
10 don't hire them. They are Board of Control. The  
11 fiscal agent would. But we had some strong  
12 leadership through this regional collaboration.

13 Q And GLRS is under your division, correct?

14 A Yes.

15 Q How effective do you think it is at its  
16 mission?

17 A GLRS?

18 Q Uh-hum. (Affirmative.)

19 A I think they are very effective. We have  
20 a project tracking system to track all their  
21 activities and what they do.

22 Q What interactions does GLRS have with the  
23 GNETS program?

24 A GNETS is involved in all the work that  
25 they do, just like any of the LEAs. They attend

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1 their meetings. They support them with whatever  
2 they're offering.

3 Q Does GaDOE track whether GLRS provides  
4 services to the regional GNETS programs?

5 A It would show up in their tracking log.

6 Q Does GaDOE track what trainings are  
7 provided by GLRS to the regional GNETS programs?

8 A I'm sure they would customize something,  
9 to just say GLRS region if requested. But GNETS is  
10 included when everybody else is invited.

11 Q Does GaDOE track what supports are  
12 provided by GLRS to regional GNETS programs?

13 A The project tracking system lists all  
14 their activities. They're on a contract with us, is  
15 how the funding goes, not an allocation.

16 Now, I don't honestly know if they can  
17 track -- they can track which system that they came  
18 from. I have to look to see if the GNETS was a  
19 separate track.

20 Q Have you talked to Shaun Owen about the  
21 interaction between the GNETS program and GLRS?

22 A I don't know that Shaun and I have had a  
23 specific conversation about that. We talk about  
24 GLRS and GNETS, but I don't know that we've talked  
25 about that interaction.

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1 Q How about with Vickie Cleveland?

2 A I don't even know that Vickie and I have  
3 talked about something like that. She knows that  
4 everything that's open to any LEA is open to the  
5 GNETS.

6 Q Ms. Low, earlier we spoke about SELDA; is  
7 that correct?

8 A Uh-hum.

9 Q And what does SELDA stand for again?

10 A Yes. Special Ed Leadership Development  
11 Academy.

12 Q Who participates in SELDA?

13 A New special education directors. They can  
14 come as first year. They can come back as second  
15 year directors. That's our suggestion.

16 Sometimes they don't want to leave the  
17 nest and they come back as a third year director.

18 They develop a great affinity toward their  
19 group that came in together, and it's kind of a  
20 double-dip. Whatever we are talking about and  
21 whenever it's timely, whether it's, it's time to  
22 submit your budget, it's time to do a data  
23 collection, they get that more intensely and  
24 delivered in a much smaller group than just through  
25 a webinar, like we might do with a veteran.

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1                   So they like to kind of hang on and have  
2                   that reinforcement.

3                   Q     Thank you.

4                   MS. TUCKER: I'd like the court reporter  
5                   to mark the following document as Plaintiff's  
6                   Exhibit 937.

7                   (WHEREUPON, Plaintiff's Exhibit-937 was  
8                   marked for identification.)

9                   BY MS. TUCKER:

10                  Q     This is an October 4th, 2018 email  
11                  produced by the State. It's from Glenda Henderson  
12                  to you and the subject reads: "New Directors for  
13                  District 5."

14                  The Bates number on the bottom of the  
15                  first page of the document reads GA03593480.

16                  Ms. Low, do you recognize this email?

17                  A     Yes.

18                  Q     And who is Glenda Henderson?

19                  A     She's a program specialist in our Results  
20                  Driven Accountability unit. So she supports  
21                  District 5. She doesn't now, but she did.

22                  Q     What does she do now?

23                  A     She supports our metro districts.

24                  Q     And that's another one of the districts?

25                  A     That's another region. Metro East and

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1 West.

2 Q And what does Ms. Henderson mean by new  
3 directors for District 5?

4 A She means she's -- she knows before we do,  
5 because when she's in the collaborative community  
6 meetings with the directors, people will say I'm  
7 retiring, this is contact information for who is  
8 replacing me, or either the GLRS director finds that  
9 out.

10 But we are always trying to know before  
11 they'll actually get put in our portal, so that we  
12 can invite them to any summer training. We do a  
13 little bit like a boot camp for two intense days, in  
14 July, before -- early-ish July, and we don't want to  
15 miss anybody. So we ask the DLs to also go out and  
16 scour anybody so that we can get them on our list  
17 and start sending communication.

18 Q Thank you.

19 A So that's all Glenda is doing, is telling  
20 me what she knows and who is going to be new to us  
21 this time.

22 Q And these are special education directors?

23 A Yes.

24 Q If you look to the second page, I see that  
25 Celest Ngeve is listed separately for the Rutland

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1 Academy.

2 Do you see that?

3 A I do.

4 Q She would attend SELDA as well as a  
5 special education director in her LEA?

6 A Yes, she would have been invited to and  
7 been part of the cohort.

8 Q So GNETS instructors are invited  
9 separately?

10 A They're invited as a part of the SELDA  
11 group, not -- I mean not as a separate group to  
12 support, but they're included with everybody else.

13 Q Right. But distinct from their LEA  
14 special education director?

15 A Oh, she would get an email to her inviting  
16 her to attend, just like we send to every new  
17 director.

18 Q Okay. So new special education directors  
19 and new regional GNETS directors?

20 A Anybody that has to follow our process is  
21 about budget submission. Anything that we do we  
22 would invite them.

23 Also, we provide just good quality  
24 professional learning on various topics.

25 MS. TUCKER: I'd like the court reporter

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1 to mark the following document as Plaintiff's  
2 Exhibit 938.

3 (WHEREUPON, Plaintiff's Exhibit-938 was  
4 marked for identification.)

5 BY MS. TUCKER:

6 Q This is a February 19th, 2019 email  
7 produced by the State. It is from Vickie Cleveland  
8 to you. The subject reads: "SELDA Agenda update."

9 There's one attachment.

10 And the Bates number on the bottom of the  
11 first page reads GA03601209.

12 Do you recognize this email thread?

13 A Yes.

14 Q And am I correct that Vickie Cleveland was  
15 providing you with updates on a SELDA meeting  
16 agenda?

17 A Yes.

18 Q And why did she send this to you?

19 A Because I would send it out to every  
20 presenter, that they would know which month they may  
21 be called on, but we would say, you know, we hope  
22 you'll present at SELDA. And when it came time to  
23 do the draft agenda, I would send it out to the  
24 presenters and say, do these times look okay, have I  
25 listed a description of what you're going to do?

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1 And that's what she's talking about.

2 Q Did -- how often was GNETS discussed at  
3 SELDA meetings?

4 MR. BEDARD: Object to form.

5 A Well, the topics that come up at SELDA  
6 meetings are generally visited one time during the  
7 year, unless it's something that's recurring.

8 So she would have discussed briefly what  
9 GNETS is, but she was also there to provide  
10 discussion about behavior and supports like that.

11 Q So looking at the attachment, do you see  
12 that it's an agenda for the meeting?

13 If you go to the next page.

14 A Yes.

15 Q If you go to the second page, you see  
16 Vickie Cleveland was slated to speak at 2:00 p.m.;  
17 is that correct?

18 A It is, right.

19 Q Did you ask Vickie Cleveland what to cover  
20 during her presentation?

21 A I probably had something drafted in the  
22 agenda. As you can see from her email, she's -- may  
23 have changed the wording around a little bit. I  
24 don't really recall.

25 Q And then in addition to the bullets you

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1 see there, what other topics related to the GNETS  
2 program have been covered at SELDA?

3 A I don't know specific to, but, remember  
4 this is a new group directors. So we're trying to  
5 explain to them what everything is, what GLRS is,  
6 what GNETS is, and we have to prioritize what comes  
7 where on the sequence.

8 You know, they are typically in survival  
9 mode, to make sure they don't miss anything, and  
10 February has traditionally been the time that we  
11 usually talk about GNETS. It's not to say they  
12 don't ask a question about GNETS or if something  
13 came up, somebody would say it. But most of our  
14 topics are just for everybody.

15 Q Was GNETS covered in February 2023 SELDA  
16 meeting?

17 A I could look at the agenda and tell you.  
18 I don't remember.

19 Q You don't recall, okay.

20 When was that meeting held?

21 A I can look at the date, but it's usually  
22 the third week of the month.

23 Q So pretty recent?

24 A Yes. Very recently.

25 MS. TUCKER: I'd like the court reporter

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1 to mark the following document as Plaintiff's  
2 Exhibit 939.

3 (WHEREUPON, Plaintiff's Exhibit-939 was  
4 marked for identification.)

5 BY MS. TUCKER:

6 Q This is a March 2nd, 2021 email thread  
7 produced by the State. It's from Annette Murphy to  
8 you, and the subject is "February invoice."

9 There are two attachments.

10 The Bates number on the bottom of the  
11 first page reads GA03655014.

12 Ms. Low, do you recognize this email?

13 A It looks like something Annette would send  
14 me.

15 Q Who is Annette Murphy?

16 A Annette Murphy contracts with us to  
17 provide executive coach support to SELDA. She  
18 previously worked for the Department as a program  
19 specialist. Prior to that, she worked in Carrollton  
20 City, so we worked together. She was my assistant  
21 director at one time. She assumed my role as  
22 director of student services for a few years before  
23 she came to the Department of Education.

24 Q Did you hire Annette Murphy as a  
25 contractor consultant?

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1 A I did hire her as a contractor.

2 Q How long has she been contracting with  
3 GaDOE?

4 A We received the teacher induction grant,  
5 would be September 2020. So I think we had her  
6 contract start about February, maybe.

7 Q So since February 2020?

8 A It would be 2021.

9 Q 2021, excuse me. And she's still --

10 A She's still contracting with us.

11 Q Looking at her email, she writes to you  
12 that she has attached her February invoice, correct?

13 A Yes.

14 Q She then writes, quote: "Since February  
15 17th I have made 119 + phone calls to SELDA members  
16 and our grant partners. I have also sent over 60 +  
17 follow-up emails."

18 Do you see that?

19 A Yes. She's reporting -- by the date up  
20 here, she's reporting on what she did just in that  
21 partial month of February when she started.

22 Q Okay. Thank you.

23 Looking down, she identifies topics that  
24 she's discussed. Do you see that?

25 A I do.

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1 Q And she lists GNETS?

2 A I do.

3 Q What is Annette Murphy sharing about  
4 GNETS?

5 A She is primarily responding to questions  
6 from new directors. It's not that Annette has a  
7 specific agenda at all. She attends SELDA meetings,  
8 so she knows what they just discussed.

9 Of course, having been a director herself  
10 for a long time, in both sides of Federal Programs,  
11 she knows what it means to do a completion report.  
12 She knows what it means to submit your budget on  
13 time, to fill out the Con-App, all those things.

14 So she knows what is coming up and is  
15 timely for the directors, which mirrors the agenda  
16 for SELDA for that time. But they call her and ask  
17 her anything.

18 I think they like her even more because  
19 she's not an actual employee of the Department of  
20 Education, and they say they're more comfortable  
21 asking questions that they think they should know  
22 already to her.

23 Q When she's asked questions about GNETS,  
24 does she connect with someone at GaDOE?

25 A She would call Vickie, but these questions

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1 are usually so basic. Like what is GNETS? How do I  
2 refer a student?

3 Q What is GaDOE's assistive technology  
4 partnership?

5 A With Georgia Tech. Of course, Georgia  
6 tech is a big entity. They have different divisions  
7 within it. You may see us reference it as Tools for  
8 Life.

9 They renamed themselves really Center for  
10 Innovation and Design, maybe -- there's another "I"  
11 word in there. It's CIDI. But it's just an arm of  
12 Georgia Tech's work.

13 It's our tech AT center for Georgia.

14 Q Is this an active partnership?

15 A Yes.

16 Q And then what purpose does this  
17 partnership serve?

18 A So we developed the partnership to try to  
19 leverage expertise, funds, to provide resources to  
20 the entire state and across to the district. So we  
21 wanted to be able to offer the same software that  
22 students that are a part of the Regents system of  
23 Georgia have. So if their disability offices are  
24 supporting the students in the colleges,  
25 universities and technical colleges, we didn't want

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1 the students to transition and have to start over  
2 with a whole new software suite about the screen  
3 reader, this or that or the other. That was  
4 indicated as a problem for employers.

5 Q Okay.

6 A Indicates it's a problem for students,  
7 that sometimes the transition in just these little  
8 things were so great that they didn't come back  
9 after first semester.

10 So we asked Georgia Tech to partner with  
11 us, and they decide the software because they're  
12 just mirroring what they're giving everybody else  
13 because they are the contract arm for the university  
14 and technical college systems to do that.

15 Q Okay.

16 A They also provide the Braille, the large  
17 print, you know, the whole bit to the University  
18 system. So, of course, that partnership has  
19 expanded to include that for us, too.

20 We have a lending library where they have  
21 all kinds of devices and software that any public  
22 school can call them up and they will send it out to  
23 them for six weeks or eight weeks, and let them use  
24 it for as long as they need to, providing somebody  
25 else is not calling in asking to borrow that, but it

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1 gives them the opportunity to try devices with  
2 students and make sure they work, because there's  
3 such a high abandonment rate of buying expensive  
4 equipment and then it doesn't work.

5 We have a new initiative we're about to  
6 launch called Ed Trade, so school districts can say  
7 I have a standard that fits this size child, we're  
8 not using it right now. You know, and the two  
9 districts can work it out, if they want to borrow it  
10 through an MOU, that kind of thing, and they can  
11 call them up and say, hey, we need it.

12 The consultative services are also  
13 provided. So they can call and say, I have a child  
14 with X, Y, Z, and they don't give personal  
15 identified information, and they'll talk them  
16 through some possibilities of solutions.

17 Q Thank you.

18 So there's a lot that they --

19 A There's a lot.

20 MS. TUCKER: I'm going to ask the court  
21 reporter to mark the following document as  
22 Plaintiff's Exhibit 940.

23 (WHEREUPON, Plaintiff's Exhibit-940 was  
24 marked for identification.)  
25

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1 BY MS. TUCKER:

2 Q This is a September 18th, 2020 email  
3 thread produced by the State. The most recent email  
4 is from Paula Gumpman to you. There's no subject.

5 And the Bates number on the first page of  
6 the document is GA03644534.

7 Ms. Low, do you recognize the email  
8 thread?

9 A Yes.

10 Q And then what position did Paula Gumpman  
11 hold when she emailed you?

12 A She's a program specialist. She's our  
13 assistive technology specialist. She's also the  
14 liaison with Georgia Tech that I just described. So  
15 she has the access to materials, too.

16 Q Do you see your email sent at 11:00 a.m.  
17 below?

18 A I do.

19 Q You sent this to spedemailblast within  
20 GaDOE.

21 A Special ed email blast.

22 Q Thank you. That's what we talked about  
23 earlier then?

24 A It is.

25 Q Okay.

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1           A     And this would have been -- Zel would have  
2     been doing the email blasts then. But we could  
3     submit items that we wanted to run in the e-blast to  
4     get out to all directors.

5           Q     Understood. Looking at the text, you  
6     indicate "139 LEAs were registered through the AT  
7     portal plus 5 GNETS and 3 State Schools."

8                     Is that correct?

9           A     At that time.

10          Q     What is the AT portal?

11          A     It's through the Georgia Tech partnership.  
12     So it's like a one-stop shop. And we started out  
13     giving access to all the special ed directors, all  
14     the GNETS directors. They could delegate if other  
15     people in their system needed access to it, but we  
16     wanted the teachers, or whoever is asking for  
17     something, to have to run through a district office  
18     person, because they may be asking for a piece of  
19     equipment that they already have and they didn't  
20     realize it.

21          Q     Got it.

22          A     So the portals where they go to request  
23     consultation, software, whatever.

24          Q     Thank you.

25                     And then when you say five GNETS, do you

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1 mean five regional GNETS programs?

2 A That's what we're referring to.

3 Q Okay. And a regional GNETS program would  
4 register the portal separate from its LEA?

5 A They asked to do that, so that they could  
6 just be direct instead of having to go, you know,  
7 through somebody else.

8 Q Awesome.

9 A We want them to use assistive technology,  
10 so we're trying to remove any barrier.

11 Q I understand. Thank you.

12 MS. TUCKER: We're going to go off the  
13 record for a moment.

14 THE VIDEOGRAPHER: Going off the record at  
15 5:12.

16 (Discussion ensued off the record.)

17 THE VIDEOGRAPHER: Back on the record at  
18 5:30.

19 BY MS. TUCKER:

20 Q Mr. Lowe, have you received complaints  
21 from families about their experiences with the  
22 regional GNETS program?

23 A Yes.

24 Q And what did those complaints detail?

25 MR. BEDARD: I'll object to the -- can we

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1 go off the record for one second, not to talk  
2 with her but to confer with Ms. Suber-Drake?

3 MS. TUCKER: Yes.

4 THE VIDEOGRAPHER: Going off the record at  
5 5:30.

6 (A recess was taken.)

7 THE VIDEOGRAPHER: Back on the record at  
8 5:32.

9 MR. BEDARD: Great. I'll instruct you not  
10 to answer only to the extent that I would just  
11 ask you not to share any identifying  
12 information with any individual student because  
13 of our obligations under FERPA, but otherwise  
14 feel free to answer.

15 So it's just an issue with the identifying  
16 information for any individual student.

17 MS. TUCKER: Thank you.

18 Q I can go ahead and repeat the question.

19 Have you received any complaints from  
20 families about experiences with the regional GNETS  
21 programs?

22 A Yes, I have.

23 Q And what did their complaints detail?

24 A I'm trying to think of a way to answer it  
25 without giving details.

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1 Q I think Mr. Bedard was speaking to like  
2 names.

3 MS. TUCKER: Is that correct?

4 MR. BEDARD: Yes. You can speak in a  
5 generalized sense to what the complaint was,  
6 just not identifying information for any  
7 individual student.

8 A One earlier this year was a change of  
9 which program operated in a particular county,  
10 brought in a different philosophy, and the parent  
11 was concerned about that, that his son was not  
12 responding well and having frequent outbursts.

13 Q What regional GNETS program was this?

14 A This was the Harrell.

15 Q Just to make sure I understand, a  
16 different -- actually, can you explain it?

17 A Camden was with -- and the coastal area  
18 there, which I can't -- they have two different  
19 names. One is coastal something and one is coastal  
20 something else.

21 But they decided to change to go with  
22 Herrall because they had moved their affiliation  
23 with the RESA over to Okefenokee. So this was the  
24 GNETS that served all the other districts.

25 It's just -- the State's big, and to go to

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1 meetings they had to travel like 60, 70 miles to get  
2 there.

3 Q And what did GaDOE do in response to this  
4 complaint?

5 A So to that particular complaint?

6 Q Yes, ma'am.

7 A I went down to visit.

8 Q You went down to visit?

9 A I went down to visit the center and talk  
10 to the special education director and the  
11 coordinator and GNETS director.

12 Q And this was when?

13 A August.

14 Q So this was a visit to a GNETS program  
15 outside of the DOJ litigation?

16 A Yes.

17 Q Have you visited other GNETS programs  
18 outside of the DOJ litigation?

19 A You know, I guess earlier you asked me and  
20 I said no, but I did go to that one.

21 Q Okay.

22 A It was an incident that I felt merited  
23 that.

24 Q And how did that conversation go?

25 A Well --

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1 MR. BEDARD: Object to form.

2 Q When you went to Herrall and you spoke to  
3 them, what was discussed?

4 A Well, they were very open and cooperative.  
5 We just discussed some of the allegations that were  
6 made, and if that was true or not, and talked about  
7 other ways it could be handled, and supports and  
8 services that were available or not available, and I  
9 suggested how that could occur.

10 Q And what were these allegations?

11 A The outbursts were resulting in the parent  
12 being called a lot, but also the philosophy, the  
13 previous site director of that, he handled things  
14 with a little less confrontation, and if the child  
15 wanted to go outside and go swing, that's what they  
16 did, because he had learned over the years that  
17 giving another direction would result in an  
18 explosion. And the Herrall group that came in, they  
19 did not feel that way. They had a different  
20 structure and a different approach to the behavior  
21 management.

22 Q And what was that approach?

23 A Much stricter and that he needed to  
24 comply.

25 Q What actions were they taking?

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1 A They did restrain him.

2 Q More than once?

3 A Yes. Of course, they were brief, and they  
4 always about safety for the child or others.

5 Q Have you followed up with Herrall since  
6 your visit?

7 A Yes. Vickie has been the one following  
8 up.

9 Vickie also came about a week later to  
10 visit the same center and talk with everyone.

11 Q Have you followed up with the parent?

12 A The parent follows up with us pretty  
13 frequently. My program manager that handles  
14 outreach.

15 Q And what has the parent expressed since  
16 your visit to Herrall?

17 A It has improved over time.

18 Q What other complaints have you received  
19 from families related to the GNETS program?

20 A We of course receive minor complaints, and  
21 more significant complaints, and sometimes there are  
22 formal complaints.

23 I don't see every formal complaint that  
24 comes in, and I certainly don't hear about every  
25 Help Desk call but, you know, if it was anything of

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1 a major event, I certainly would be informed about  
2 that.

3 Q Since you've been interim -- starting with  
4 when you were interim state director, moving to  
5 state director, that time period, how many  
6 complaints have you seen related to the GNETS  
7 program?

8 A I'm going to have to give you an estimate  
9 because I don't have an exact number.

10 Less than 20.

11 Q Okay.

12 A I know that there are three formal  
13 complaints that have recently been filed.

14 Q With -- who are the formal complaints  
15 filed with?

16 A With us.

17 Q To you?

18 A To ask for an investigation.

19 Q What are the allegations?

20 A I don't recall. I was informed that there  
21 were three, and I haven't seen the details.

22 Q And how recent was this?

23 A Very recent. Days ago.

24 Q And what regional programs?

25 A I don't even think I know that yet.

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1           Q     You said that some complaints require more  
2     attention than others; is that a correct  
3     characterization?

4           A     Well, sometimes parents complain about  
5     methodology, you know, instruction or something that  
6     really is outside of our control. The bus, when the  
7     bus comes. You know, things of that nature.

8                     But certainly if we believe that FAPE is  
9     compromised or safety in any way, we would raise  
10    that to a much higher level.

11                    Typically, the outreach manager, and  
12    that's her job, that's what she does all day, is  
13    talk to parents and take calls from the helpline and  
14    tries to be a quick intermediary to contact the  
15    special director or GNETS director and say, hey,  
16    so-and-so called and, you know, is this really  
17    happening?

18                    If they say yes, it is, then she'll give  
19    them, of course, the discussion about the law and  
20    the things that need to happen and ask the director  
21    to reach out to the parent. She will give them  
22    guidance about what they should do. And typically  
23    they are happy to do so. Sometimes the director  
24    that we speak with is not even aware of the problem  
25    because it's happened at a school site.

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1 Q Have other complaints led to you visiting  
2 a regional GNETS program?

3 A That's the first one that I've had a quick  
4 visit to.

5 Q Have other complaints led to you  
6 communicating with a regional GNETS program via  
7 email?

8 A Telephone typically.

9 Q About how many of the 20, approximately  
10 20?

11 A I had a lot of conversation back and forth  
12 with one of the regions. I can't tell you now. I  
13 think it was last school year. It was either  
14 earlier in the fall or last -- it was last school  
15 year.

16 And we probably talked 10 or 15 times back  
17 and forth, and Vickie talked to the director and I  
18 generally talked to the special ed director in the  
19 district.

20 Q And what was the reason behind those  
21 calls?

22 A It was a young child and they just  
23 continued to have lot of trouble. Didn't seem that  
24 anybody could get a handle on things. They moved  
25 him from one center to another, and it was a great

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1 deal of distance in between. That, of course, was  
2 pretty easy to predict because it was a young child  
3 and transporting a long distance each day.

4 But we were just trying to work out a  
5 closer option that would provide the supports and  
6 services that he needed.

7 Q What regional GNETS program was that?

8 A Pioneer.

9 Q Pioneer. Okay.

10 Are there other ones that have led to a  
11 few calls?

12 A Nothing is coming to my mind right now,  
13 but if something does, I will let you know. But  
14 it's not uncommon for school districts. I mean we  
15 receive phone calls from concerned parents multiple  
16 times each day, and typically we're able to support  
17 them and resolve the concern quickly with the school  
18 district or a program, but, you know, there is of  
19 course the recourse of formal complaints or due  
20 process if needed.

21 We also have facilitated IEP, so we assign  
22 facilitators to go and facilitate meetings.

23 MS. CHEVRIER: I'm going to request on the  
24 record that the three formal complaints that  
25 Ms. Low just referenced be produced.

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1 MR. BEDARD: We can have a conversation  
2 about that.

3 A I don't even know if they've accepted  
4 them. I mean it's that new.

5 MS. TUCKER: I'd like the court reporter  
6 to mark the following document as Plaintiff's  
7 Exhibit 941.

8 (WHEREUPON, Plaintiff's Exhibit-941 was  
9 marked for identification.)

10 BY MS. TUCKER:

11 Q This is an email thread produced by the  
12 State. The most recent email on the thread is dated  
13 March 20, 2018 from Monica Henderson to you.

14 The subject reads: "Serious civil rights  
15 violations in Henry, Clayton and Hall Counties."

16 The Bates number on the bottom of the  
17 first page reads GA04918894.

18 Ms. Low, to you recognize this email?

19 A I recognize that it is in our email  
20 system, but I don't remember the situation, so I'll  
21 have to read it.

22 Q Okay. I'll give you a moment to read it.  
23 (Witness reviews exhibit.)

24 A That's a serious situation, but I promise,  
25 I have no recollection of that at all.

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1 Q And you respond -- when you say this is a  
2 serious situation --

3 A Well, the allegations that the advocate is  
4 making.

5 Q And you're speaking to the email from  
6 Libby McCullough sent March 19, 2018 in the thread?

7 A Yes.

8 Q Okay. And if you're looking at No. 2, do  
9 you see where she writes: "Children in Hall,  
10 Clayton and Henry with Autism are not receiving  
11 Functional Analysis which leads to proper  
12 identification" -- or improper -- no -- "proper  
13 identification of interventions or goals. I'm  
14 hearing of many students"-- "children, some who I am  
15 assisting, and a systemic failure in that FA's are  
16 not done properly for children, including those on  
17 the Autism Spectrum. Sensory integration  
18 dysfunction is real and is not considered seriously  
19 as an antecedent for behavior. Situations snowball  
20 quickly, then children are labeled as needing EBD  
21 eligibility, and they are denied a FAPE at any one  
22 of the GNETS around the state. This needs  
23 intervention, monitoring, and enforcement."

24 Is this what you were referring to?

25 A I was actually referring to the first

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1 email. That is also a concern. The first email is  
2 very concerning as well.

3 Q And you don't recall these allegations?

4 A I don't, and that would be unusual because  
5 I was on the email thread, it looks like.

6 I was Monica's supervisor, and Debbie's.  
7 So I can understand how I got copied in. That was  
8 when I was the RDA manager, changing over to the  
9 senior program manager.

10 Where they're saying Wina says just hold,  
11 I probably said just hold because we were going to  
12 talk to Zel about moving forward and how she wanted  
13 that handled.

14 You know, there are two sides to every  
15 story, and just because an advocate calls and says  
16 things, that doesn't necessarily mean that's  
17 happening.

18 So Zel very likely wanted to reach out to  
19 the director herself. But I don't -- I don't really  
20 recall.

21 Q Okay. But would you have likely reached  
22 out to Dr. Smith-Dixon about this?

23 A Oh, absolutely. That would have been -- I  
24 would have been straight to her office about it.  
25 But I don't remember the circumstances. I could

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1 have been out in the field somewhere and just trying  
2 to tell them, now, hold on, before you start calling  
3 the district to talk about this.

4 Q Thank you. Earlier, when we were speaking  
5 about complaints, you referenced one with the  
6 Pioneer GNETS. Are you referring to the Pioneer  
7 RESA?

8 A Yes, I am. And they're Futures, aren't  
9 they?

10 Q Futures GNETS?

11 A Uh-hum. (Affirmative.)

12 Q Just wanted you to confirm?

13 A Yes.

14 Q Thank you.

15 Ms. Low, have you heard the phrase "GNETS  
16 2.0" used at GaDOE?

17 A Yes.

18 Q What is GNETS 2.0 short for?

19 A That would be short for the litigation  
20 filed by the Georgia Efficacy Office.

21 Q So -- okay.

22 Have you participated in discussions of  
23 what GNETS could look like in the future?

24 MR. BEDARD: I'll object and instruct you  
25 not to answer just to the extent it's a

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1 conversation with counsel. But otherwise you  
2 can answer.

3 A I think it would have all been involving  
4 litigation.

5 Q Have they been conversations with counsel?

6 A Yes.

7 Q What about conversations without counsel  
8 about GNETS in the future?

9 A Well, I would have to answer that between  
10 Shaun, Vickie, and I.

11 Q And what have you all discussed?

12 MR. BEDARD: You can answer that question,  
13 unless counsel was there.

14 A I'm trying to think of any specifics  
15 there. Just --

16 MR. BEDARD: Let me back up.

17 You can -- you can answer if counsel was  
18 not there and you are not discussing something  
19 that counsel said to you or that you -- that  
20 came from conversation with counsel.

21 But otherwise --

22 THE WITNESS: No, it came from  
23 conversation with counsel.

24 MR. BEDARD: Okay.

25 THE WITNESS: And we met together to try

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1 to put together some options.

2 MR. BEDARD: Okay. Then I will instruct  
3 you not to answer then.

4 BY MS. TUCKER:

5 Q Do you anticipate any needs -- need for  
6 changes in the GNETS program in the future?

7 MR. BEDARD: Object to form.

8 You can answer.

9 A I think there's always room for continuous  
10 improvement.

11 Q And --

12 A We --

13 Q Go ahead.

14 A That's what I was going to say. There's  
15 room to grow and change and ensure that all children  
16 have the services they need.

17 Q And in what way can that be improved?

18 MR. BEDARD: I'm sorry.

19 THE WITNESS: Is it okay for me to answer?

20 MR. BEDARD: You can answer. I'll object  
21 to form but you can answer.

22 A I think our districts are rich with  
23 resources, and I want to make sure that all children  
24 have access to the resources, have access to  
25 nondisabled peers, services and supports,

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1 therapeutic services and counseling, things of that  
2 nature.

3 Q Do you think this is a viable possibility?

4 MR. BEDARD: Object to form.

5 You can answer.

6 A To continue to grow and change?

7 Q To work more with the LEAs.

8 A LEAs have responsibility for the children.

9 Never -- it's been given to anyone. Their  
10 responsibility and obligation is there. So I mean I  
11 think anything is possible.

12 Q What specific changes for improvement  
13 would you put into place?

14 MR. BEDARD: Object to form.

15 You can answer.

16 A Again, I think that our LEAs are rich with  
17 these resources and supports. We need to make sure  
18 that our funding and support goes to not just  
19 replicating school, that there's funding for very  
20 rich supports and opportunities for all children.

21 Q Have you discussed this with anyone?

22 A Shaun, Vickie, Stacey.

23 Q With Shaun and Vickie, what have they  
24 responded, when you shared this?

25 MR. BEDARD: Object to form.

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1           A       It feels like I'm answering on their  
2       behalf.

3           Q       If they shared anything with you verbally  
4       that you heard, back when you responded?

5           A       I think I can safely say that they want  
6       the very best for all students. If any changes are  
7       necessary, they're supportive to make sure that we  
8       ensure that for all students, and that would be all  
9       students in any setting.

10          Q       Ms. Low, what is Apex?

11          A       It's a DBHDD program for mental health  
12       services.

13          Q       Do you think GNETS students could benefit  
14       from Apex services?

15                   MR. BEDARD: Object to form.

16                   You can answer.

17          A       I don't know a lot about Apex. I was  
18       already out of the school district by the time Apex  
19       came into the districts, and I don't have any  
20       knowledge like that.

21                   It hasn't been something I've been  
22       involved in meetings. I have been in a meeting  
23       where it was discussed briefly recently, but it  
24       hasn't been a part of my work focus prior to serving  
25       in the director role.

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1                   The connection with the Department of  
2                   Education with Apex was really coming out through  
3                   the school climate division. I mean now they are a  
4                   part of Office of Whole Child, and they were doing  
5                   work like mental health, First Aid and coordinating  
6                   with Apex.

7                   Q       When you say that you went to a meeting  
8                   where it was discussed briefly recently, are you  
9                   referring to GNETS and Apex?

10                  A       No. I'm just referring to a meeting that  
11                  was scheduled with Dante McKay and the Office of  
12                  Whole Child, and I was invited. That's all. And it  
13                  was just in a list of programs and services.

14                  Q       And this was a meeting we spoke about  
15                  earlier --

16                  A       Yes.

17                  Q       -- with Dante McKay?

18                  A       Yes.

19                  Q       Are the services available through Apex  
20                  also available for the regional GNETS programs?

21                  A       I don't know if that is happening. I just  
22                  honestly don't know.

23                  Q       Okay.

24                  A       But just anecdotal comments that directors  
25                  have made, I'm talking about just LEA directors,

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1 it's not widespread available. It's not -- it's not  
2 always available to every system, and I don't know  
3 what the reason is. That's something that, you  
4 know, needs to continue to be explored.

5 Vickie probably has a lot more knowledge  
6 about that, as well as Lakesha. She serves on an  
7 intergovernmental agency group.

8 Q Has collaboration with DBHDD been  
9 considered to provide Apex services to GNETS?

10 A Yes. But the answer is always a qualified  
11 answer. So that's -- my impression from them --  
12 well, I probably don't need to give an impression,  
13 but everybody that wants it doesn't seem to have  
14 availability to get it, and I don't understand fully  
15 enough why that's not possible.

16 Q And by everybody who wants it, you're  
17 referring to regional GNETS programs that want it?

18 A I don't know. I don't have specific  
19 knowledge of any GNETS program saying that they want  
20 it. They may have. I just don't know.

21 Q Are you aware that the Apex program  
22 provides mental health services during the summer?

23 A Yes.

24 Q Is there an importance to continuing  
25 services through the summer for students with

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1 disabilities -- or with EBD? Excuse me.

2 A It's an individual decision but, yes,  
3 extended day or extended school year is always of  
4 high importance. The capacity building grant that I  
5 have out for GNETS and districts to consider, that  
6 is one of the options, therapeutic services and  
7 supports.

8 I list some examples and I also make the  
9 suggestion that it would be great to provide for  
10 extended day or extended school year. The money is  
11 short, a short availability, but it certainly would  
12 provide a significant amount of funding for the  
13 summer.

14 I just tell you that to say it is a  
15 priority to me. I do try to find ways to encourage,  
16 but when it goes back to the individual students,  
17 it's about an IEP decision on whether they need  
18 extended school year.

19 Q Does GNETS provide mental health services  
20 during the summer?

21 A I'm sure that some probably do. I don't  
22 have specific knowledge of that.

23 The GNETS that -- when I was a local  
24 director, we always had an extended school year, and  
25 the same therapists, psychologists, the consulting

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1 psychiatrists, they were there in the summer just as  
2 well as they were anywhere.

3 Q Okay. Thank you.

4 When you were speaking about coordination  
5 with DBHDD, you said that the answer is always a  
6 qualified answer.

7 What did you mean by that?

8 A I think it's really a better question for  
9 Dante because he does provide the leadership for  
10 that area, but my understanding is districts have to  
11 do something, and then they've got to determine if  
12 they have people in the region that can provide the  
13 support. Just a lot of if's, barriers that have to  
14 be crossed.

15 So that's about the extent of my knowledge  
16 on that, is a lot of people want to be involved but  
17 they say that they haven't been able to make it  
18 happen.

19 But this is passing comments.

20 Q And who are these passing comments from?

21 A Oh, typically directors, and it's been  
22 over a course of time, years.

23 Q And by directors, do you mean regional  
24 GNETS directors?

25 A I don't think I've had a conversation with

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1 a GNETS director about it. It would be more special  
2 ed directors.

3 MR. BEDARD: Counsel, what's our time at?

4 THE VIDEOGRAPHER: 6/39.

5 Q When you went to Harrell regarding that  
6 parent complaint, did you visit multiple locations?

7 A No. I visited one site in Camden County.

8 Q Did you do classroom observation while you  
9 were there?

10 A No.

11 Q What did you do while you were there?

12 A Well, I talked with the GNETS director. I  
13 talked with the Camden County special ed director.

14 I had asked that one of our program  
15 specialists that was located in that region to come  
16 over and be a part of the discussion, too, and I was  
17 trying to anticipate if I needed to send somebody  
18 back to provide any support or professional  
19 learning.

20 So Belinda Tiller was with me. And  
21 Bridget Still, I think. I know Bridget was invited.  
22 I'm just trying to remember if she was able to come.  
23 She's a behavioral specialist and a former GNETS  
24 coordinator in another part of the State.

25 Q And they're with GaDOE?

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1 A Yes. Yes, they are employees.

2 Vickie was unable to. I think it had to  
3 do with -- might be deposition preparation, but it  
4 was an important reason, so she could not go.

5 And, again, she followed up with a visit  
6 about a week later.

7 I asked them about the incident and asked  
8 them about services that they provided and plans,  
9 and their staffing in the building. We of course  
10 discussed the situation that the parent had brought  
11 up about the restraint and, you know, talked through  
12 all those situations.

13 Q Thank you.

14 MS. TUCKER: Subject to the disagreement  
15 we had earlier about Ms. Low's ability to  
16 answer questions related to the site visits,  
17 we're going to keep the deposition open, but  
18 we'll end for today.

19 MR. BEDARD: Okay. That sounds fine.

20 I'll also note for the record that I think  
21 there's only five minutes left in the seven  
22 hours, give or take.

23 THE VIDEOGRAPHER: We're at six hours and  
24 41 minutes.

25 MR. BEDARD: I'm sorry. When he said 6/39

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1 is total, not where we left.

2 MS. TUCKER: It's over 18 minutes.

3 MR. BEDARD: Sounds good. Thank you.

4 MS. TUCKER: Thank you for your time  
5 today.

6 THE VIDEOGRAPHER: Going off the record at  
7 6:04.

8 (Whereupon, the deposition concluded at  
9 6:04 p.m.)

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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of WINA LOW was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 312 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 8th day of March, 2023.



Wanda L. Robinson, CRR, CCR No. B-1973  
My Commission Expires 10/11/2023

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D I S C L O S U R E

STATE OF GEORGIA ) VIDEOTAPE DEPOSITION OF  
FULTON COUNTY ) WINA LOW - 2/28/23

Pursuant to Article 10.B of the Rules and  
Regulations of the Board of Court Reporting  
of the Judicial Council of Georgia, I make the  
following disclosure:

I am a Georgia certified court reporter.  
I am here as a representative of Esquire Deposition  
Solutions, LLC, and Esquire Deposition Solutions,  
LLC was contacted by the offices of U.S. Attorney's  
Office to provide court reporter services for this  
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ESQUIRE ERRATA SHEET

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Case Caption: USA v. State of Georgia

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my deposition taken in the above-captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on this \_\_\_\_\_ day of

\_\_\_\_\_, 2023.

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